



Sub. H.B. 306*

123rd General Assembly

(As Reported by H. Transportation and Public Safety)

Reps. Carey, Bateman, Thomas, Harris, Damschroder, Evans, Sulzer, Perry, Terwilleger, Verich, Pringle, Clancy, Mottley, Logan, Vesper, Padgett, Healy, Buehrer, Jones, Sullivan, Hollister, Roman, Krebs, Buchy, Patton

BILL SUMMARY

- Provides that a place of business that is used by a motor vehicle dealer for selling, displaying, offering for sale, or dealing in motor vehicles still is considered as used exclusively for those purposes even though watercraft and related products or, in the case of a new motor vehicle dealer, products manufactured or distributed by a motor vehicle manufacturer with which the new motor vehicle dealer has a franchise agreement, are sold or displayed there.
- Requires a person who was born on or after January 1, 1982, who leases, hires, or rents a powercraft powered by more than ten horsepower, and who does not successfully pass an exam given by the renter to sign a statement that the person has successfully completed an approved safe boater course or a proficiency examination, rather than sign an affidavit to that effect.

* *This analysis was prepared before the report of the House Transportation and Public Safety Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

CONTENT AND OPERATION

Restrictions relating to motor vehicle dealer locations

Current law

Current law prohibits a new motor vehicle dealer from selling, displaying, offering for sale, or dealing in motor vehicles at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles. Except for a new motor vehicle dealer who sells manufactured homes, a new motor vehicle dealer must have space under roof for the display of at least one new motor vehicle and facilities and space for the inspection, servicing, and repair of at least one motor vehicle; a new motor vehicle dealer who sells manufactured homes is exempt from these requirements. (Sec. 4517.03(B).)

Current law also prohibits a used motor vehicle dealer from selling, displaying, offering for sale, or dealing in motor vehicles at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in motor vehicles (sec. 4517.03(C)).

Under current law, a place of business that is used for selling, displaying, offering for sale, or dealing in motor vehicles still is considered as used exclusively for those purposes even though any of the following apply to the place of business: (1) snowmobiles, all-purpose vehicles, or farm machinery is sold or displayed there, (2) repair, accessory, gasoline and oil, storage, parts, service, or paint departments are maintained there, or such products or services are provided there, or (3) the departments are operated or the products or services are provided for the business of selling, displaying, offering for sale, or dealing in motor vehicles. (Sec. 4517.03(A).)

Operation of the bill

The bill expands the provision reviewed in the immediate preceding paragraph by providing that a place of business that is used for selling, displaying, offering for sale, or dealing in motor vehicles still is considered as used exclusively for those purposes even though any of above items (1) to (3) apply to the place of business and even though watercraft and related products, or products manufactured or distributed by a motor vehicle manufacturer with which the motor vehicle dealer has a franchise agreement are sold or displayed there.

Definition and related changes

The bill provides that for purposes of the bill, "watercraft" means any of the following when used or capable of being used for transportation on the water (sec. 4517.03(J)(3) by reference to sec. 1547.01):

- (1) A boat operated by machinery either permanently or temporarily affixed;
- (2) A sailboat other than a sailboard;
- (3) An inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard;
- (4) A canoe or row boat.

The bill also relocates two references to definitions of the terms "motor vehicle leasing dealer" and "motor vehicle renting dealer." (Sec. 4517.03(A), (E), (J)(1), and (J)(2).)

The leasing, hiring, or renting on and after January 1, 2000, of a powercraft powered by more than ten horsepower by a person born on or after January 1, 1982

A provision of law that will become effective January 1, 2000, prohibits a rental business from leasing, hiring, or renting a powercraft powered by more than ten horsepower for operation on the waters in this state to a person born on or after January 1, 1982, unless the person meets one of the following requirements (sec. 1547.052(A)):

- (1) The person signs an affidavit that the person has successfully completed a safe boater course approved by the National Association of State Boating Law Administrators or has successfully completed a proficiency examination as provided by law.
- (2) The person receives educational materials from the rental business and successfully passes, with a score of 90% or better, an abbreviated examination given by the rental business. The achievement of a passing score on the examination must be indicated on or attached to the powercraft rental agreement.

The bill changes the requirement in (1), above, by requiring the person to sign a statement on the rental agreement or attached to the rental agreement, rather than an affidavit, that the person has successfully completed a safe boater course or

a proficiency examination. Requirement (2), above, remains unchanged. (Sec. 1547.052(A)(1).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-20-99	p. 442
Reported, H. Transportation & Public Safety	---	---

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