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*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 391**

127th General Assembly  
(As Introduced)

**Reps. J. Hagan and Yuko, J. McGregor, Adams, Batchelder**

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### **BILL SUMMARY**

- Extends the definition of "historical motor vehicle" to include both street rods and custom vehicles, regardless of whether a street rod or custom vehicle actually is more than 25 years old or was manufactured to resemble a vehicle that is over 25 years old.
- Provides that, as types of historical motor vehicles, street rods and custom vehicles may be registered for a one-time fee of \$10, are limited in their use as are all historical motor vehicles, must be safe but are not subject to any inspections, and are exempt from any emission, noise control, or fuel usage provisions that were imposed after the date of the vehicle manufacture.
- Requires the certificate of title for a street rod or custom vehicle to contain the actual model year of the vehicle or the model year that the body of the vehicle was constructed to resemble, as stated by the owner.
- Permits a street rod or a custom vehicle to display a blue dot tail light, which is a red lamp installed in the rear of a motor vehicle that contains a blue or purple insert not more than one inch in diameter, in lieu of the red lights and reflectors that otherwise are required on the rear of motor vehicles.
- Subjects trailers and semitrailers to motor vehicle certificate of title requirements, irrespective of the weight of the trailer or semitrailer.
- Provides that if a trailer is assembled from component parts by a person other than a manufacturer and it weighs 4,000 pounds or less, the owner is not required to have the trailer inspected by the State Highway Patrol in order to apply for and obtain a certificate of title for the trailer.

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## CONTENT AND OPERATION

### "Collector's" vehicles and "historical" vehicles

#### Generally

Under current law, vehicles classified as "historical" vehicles and "collector's" vehicles receive special treatment and may display special license plates, but the treatment differs between the two types of vehicles. Historical vehicles basically are a type of collector's vehicle and are subject to more restrictions on use.

#### Definitions

In the general definition section (R.C. 4501.01) of the motor vehicle provisions of the Revised Code (found in Title 45), a "collector's" vehicle is defined as any motor vehicle that is of special interest, that has a fair market value of \$100 or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. A "licensed collector's vehicle" displays current, valid license tags. (R.C. 4501.01(F).) A "historical motor vehicle" is defined as any motor vehicle that is over 25 years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation (R.C. 4501.01(G)). A collector's vehicle cannot be used as the owner's principal means of transportation, and a historical motor vehicle cannot be used for general transportation. The phrases "principal means of transportation" and "no event is used for general transportation" are not defined in the Revised Code; however, by administrative rule, a motor vehicle cannot "be considered as not being the applicant's principal means of transportation unless the applicant has at least one other motor vehicle registered in his name as either the owner or lessee." (Ohio Administrative Code 4501:1-7-14(D).)

#### Registration

Collector's vehicles are registered annually upon payment of all applicable state and local motor vehicle taxes, but may display "collector's vehicle" license plates upon payment of an additional \$5 (R.C. 4503.45). By rule, the Registrar of Motor Vehicles may refuse to issue collector's vehicle registration for a vehicle "if the vehicle is a reproduction of a make or model previously manufactured, or if the vehicle has not been maintained in or restored to a condition that is substantially in conformity with the manufacturer's specifications and appearance." (OAC 4501:1-7-14(C).)

Historical vehicles are registered for a one-time fee of \$10, provided the owner executes an affidavit stating that the vehicle for which the historical license plates are requested is owned and operated solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but in no event is used for general transportation. In addition, the affidavit must state that the vehicle has been inspected and found safe to operate on the public roads and highways. Historical motor vehicles may display either historical vehicle license plates issued by the Registrar or legible, serviceable model year Ohio license plates procured by the vehicle owner. Historical vehicle license plates do not bear any date but bear the inscription "Historical Vehicle -- Ohio" and the registration number. (R.C. 4503.181(A) to (D).)

### **Exemptions**

Licensed collector's and historical vehicles are exempt from any vehicle inspections conducted by the State Highway Patrol or by any political subdivision, but the vehicles may not be in a condition that endangers the safety of persons or property (R.C. 4513.02). Historical motor vehicles that were not originally manufactured with stop lights are not subject to the general requirement that vehicles manufactured after 1967 have two red stoplights on the rear of the vehicle and vehicles manufactured before that date have one red stop light (R.C. 4513.071). In general, licensed collector's vehicles and historical motor vehicles must be allowed to be operated when the vehicles are equipped in a manner that was not in violation of any motor vehicle equipment law in effect during the year the vehicles were manufactured; a licensed collector's vehicle or historical motor vehicle is not required to comply with an equipment provision that was enacted or adopted in a year subsequent to that in which the vehicle was manufactured (R.C. 4513.38). Lastly, licensed collector's vehicles and historical motor vehicles are exempt from any emission, noise control, or fuel usage provision that was enacted or adopted subsequent to the calendar year in which the vehicle was manufactured (R.C. 4513.41).

### **Street rods and custom vehicles as types of historical motor vehicles**

The bill amends the definition of "historical motor vehicle" in the general definition section to include a street rod or a custom vehicle, regardless of whether the street rod or custom vehicle actually is more than 25 years old or was manufactured to resemble a vehicle that is over 25 years old (R.C. 4501.01(G)(1)). "Street rod" is defined to mean a motor vehicle whose model year was 1948 or earlier, or a vehicle that was manufactured after 1948 to resemble a vehicle manufactured before 1949, that additionally has been altered from the manufacturer's original design or has a body constructed of nonoriginal material (R.C. 4501.01(G)(2)(a)). "Custom vehicle" is defined to mean a motor vehicle whose model year was after 1948, or a vehicle that was manufactured to resemble

a vehicle that is over 25 years old and of a model year after 1948, that additionally has been altered from the manufacturer's original design or has a body constructed of nonoriginal material (R.C. 4501.01(G)(2)(b)).

The bill then amends the definition of historical motor vehicle in the historical motor vehicle provisions so that the term specifically includes a street rod or a custom vehicle, regardless of whether the street rod or custom vehicle actually is more than 25 years old or was manufactured to resemble a vehicle that is over 25 years old (R.C. 4503.181(A)). Thus, under the bill, by definition street rods and custom vehicles (1) may be registered for a one-time fee of \$10, (2) are limited in their use if they are registered as historical motor vehicles, (3) must be safe, but are not subject to inspections, and (4) are exempt from any emission, noise control, or fuel usage provisions that were imposed after the date of the vehicle manufacture.

The bill specifically does all of the following:

(1) Allows the owner of a street rod to request special street rod license plates, which are to bear no date but must be inscribed with identifying words or markings designed by the street rod community of Ohio and approved by the Registrar (R.C. 4503.181(D));

(2) Allows the owner of a custom vehicle to request special custom vehicle license plates, which are to bear no date but must be inscribed with identifying words or markings designed by the custom vehicle community of Ohio and approved by the Registrar (R.C. 4503.181(D));

(3) Provides that street rod and custom vehicle license plates are valid without renewal as long as the vehicle for which they were issued or procured is in existence and are issued for the owner's use only for such vehicle unless later transferred to another appropriate historical motor vehicle owned by that person (R.C. 4503.181(E));

(4) Permits the owner of a street rod or custom vehicle bearing street rod or custom vehicle license plates to replace them with model year license plates, and vice versa (R.C. 4503.181(F)); and

(5) Requires the certificate of title for a street rod or custom vehicle to contain the actual model year of the vehicle or the model year that the body of the vehicle was constructed to resemble, as stated by the owner (R.C. 4505.072).

**Street rods and custom vehicles display blue dot tail lights**

Current law requires every motor vehicle to be equipped with at least one tail light mounted on the rear which, when lighted, emits a red light visible from a

distance of 500 feet to the rear (R.C. 4513.05). Current law also requires every new motor vehicle, other than a commercial tractor, that is operated on a highway and that is towing a trailer or semitrailer to have at the rear, either as a part of the tail lamps or separately, two approved red reflectors that are visible at night from all distances within 300 feet to 50 feet from the vehicle (R.C. 4513.06). The bill permits a street rod or a custom vehicle to display a blue dot tail light in lieu of these red lights and reflectors. A blue dot tail light means a red lamp installed in the rear of a motor vehicle containing a blue or purple insert that is not more than one inch in diameter. (R.C. 4513.051.)

**Trailers and semitrailers weighing less than 4,000 pounds and the certificate of title law**

In general, a certificate of title is used to evidence motor vehicle ownership. A certificate of title is required to transfer the ownership of a motor vehicle and generally must be presented to the Registrar of Motor Vehicles or a deputy registrar the first time that a motor vehicle is registered in a new owner's name (R.C. 4505.03 and 4503.10, not in the bill). Existing law exempts trailers and semitrailers whose weight is 4,000 pounds or less from the certificate of title requirements by expressly including only those trailers and semitrailers whose weight exceeds 4,000 pounds in the governing definition of a "motor vehicle."

The bill eliminates the trailer and semitrailer weight restriction from the definition of "motor vehicle," thereby subjecting trailers and semitrailers to the certificate of title requirements irrespective of the weight of these vehicles. (Sec. 4505.01.) The bill provides that notwithstanding the general certificate of title application provisions, if a certificate of title previously has not been issued for a trailer or semitrailer whose weight is 4,000 pounds or less, the application for a certificate of title, when required by the current law, must be accompanied by a manufacturer's or importer's certificate; by a sworn statement of ownership; or by a certificate of title, bill of sale, or other evidence of ownership required by law of another state from which the trailer was brought into this state. If such a trailer or semitrailer is assembled from component parts by a person other than a manufacturer, the owner is not required to have the trailer or semitrailer inspected by the State Highway Patrol in order to apply for and obtain a certificate of title for the trailer. (Sec. 4505.063(A).) Such inspections normally are required of all motor vehicles that are not assembled by a manufacturer (sec. 4505.111, not in the bill).

The Registrar of Motor Vehicles, in accordance with the Administrative Procedure Act, must prescribe the form of the sworn statement of ownership and the types of additional documentation sufficient to establish proof of ownership, including, but not limited to, receipts from the purchase of parts or components, photographs, and affidavits of other persons (sec. 4505.063(A)).

On and after the bill's effective date, if a trailer or semitrailer is assembled from component parts by a person other than a manufacturer and it weighs 4,000 pounds or less, the owner is not required to have the trailer or semitrailer inspected by the State Highway Patrol in order to apply for and obtain a certificate of title for the trailer. The owner may apply for a certificate of title by complying with any of the bill's certificate of title application provisions. (Sec. 4505.063(B).)

The bill does *not* require the current owners of trailers and semitrailers that weigh less than 4,000 pounds (and thus have not been issued certificates of title) to obtain certificates of title for those vehicles if they simply retain ownership of their trailers and semitrailers. After the bill's effective date, if the owner of such a trailer or semitrailer sells or otherwise transfers the vehicle, existing law applies and the owner *must* obtain a certificate of title for the trailer or semitrailer in order to effectuate the transfer.

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## HISTORY

ACTION	DATE
Introduced	11-13-07

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