

OPINION NO. 93-022

Syllabus:

The aggregate fee for a new original motor vehicle certificate of title that includes a notation of a security interest that is issued pursuant to R.C. 4505.13(B) is ten dollars.

To: Charles D. Shipley, Director, Department of Public Safety, Columbus, Ohio
By: Lee Fisher, Attorney General, October 27, 1993

You have requested an opinion regarding the cost to notate a lien on a motor vehicle certificate of title. Your specific question is: "Under the automated title processing system is the proper statutory fee for the notation of a lien [five] dollars or [ten] dollars?"¹

¹ Pursuant to a conversation with a member of your staff, your specific question has been rephrased.

Notation of a Lien on a Motor Vehicle Certificate of Title

Under the Ohio Certificate of Motor Vehicle Title Law contained within R.C. Chapter 4505, each clerk of the court of common pleas is required to implement and maintain an automated title processing system for the issuance of motor vehicle certificates of title. *See* R.C. 4505.02; R.C. 4505.08; R.C. 4505.09. Notation of a lien on a motor vehicle certificate of title under an automated title processing system is controlled by R.C. 4505.13(B), which provides, in relevant part:

The secured party, upon presentation of the security agreement to the clerk of the county in which the certificate of title was issued, together with the certificate of title and the fee prescribed by section 4505.09 of the Revised Code, may have a notation of the security interest made. The clerk shall issue, over his signature and seal of office, a new original certificate of title from the automated title processing records that indicates the security interest and the date of the security interest.

See also R.C. 4505.08 (a clerk of the court of common pleas is required to issue a motor vehicle certificate of title in duplicate, to retain and file one copy of said certificate of title in his office, and to deliver the second copy of the certificate of title to the owner of the motor vehicle or, if there are one or more liens on the motor vehicle, to the holder of the first lien). Thus, upon presentation of the security agreement, the motor vehicle certificate of title, and the fee prescribed by R.C. 4505.09, the clerk of the court of common pleas is required to issue a new original certificate of title that indicates the security interest and the date of the security interest.

R.C. 4505.09

Pursuant to R.C. 4505.09(A), the clerk of the court of common pleas is required to "charge a fee of five dollars for each certificate of title, ... and notation of any lien on a certificate of title." The plain language of this section thus indicates that the aggregate fee for a motor vehicle certificate of title that includes a notation of a security interest is ten dollars.

The Fee for a Motor Vehicle Certificate of Title Issued Pursuant to R.C. 4505.13(B) Is Ten Dollars

As stated above, R.C. 4505.13(B) requires, upon presentation of the security agreement, the motor vehicle certificate of title, and the fee prescribed by R.C. 4505.09, the clerk of the court of common pleas to issue a new original motor vehicle certificate of title that includes a notation of the security interest. Insofar as R.C. 4505.09(A) expressly provides that the aggregate fee for a motor vehicle certificate of title that includes a notation of a security interest is ten dollars, consisting of a fee of five dollars for the new certificate of title and a fee of five dollars for the notation of the lien on such certificate of title, the fee for a new original motor vehicle certificate of title that includes a notation of a security interest that is issued pursuant to R.C. 4505.13(B) is ten dollars.

Conclusion

In conclusion, it is my opinion, and you are hereby advised, that the aggregate fee for a new original motor vehicle certificate of title that includes a notation of a security interest that is issued pursuant to R.C. 4505.13(B) is ten dollars.