

2581.

BILL OF SALE FOR USED MOTOR VEHICLE APPROVED.

COLUMBUS, OHIO, June 20, 1925.

Bureau of Inspection and Supervision of Public Offices, Columbus, Ohio.

GENTLEMEN :—Your recent communication reads as follows :

"It has come to the attention of the bureau that house bill No. 283, which was filed in the office of the secretary of state on April 21st, 1925, among other sections amended section 6310-3, 6310-7, 6310-8 and 6310-13a, relating to the registration of automobiles and the requirement of bills of sale.

"In opinion No. 575 found in the reports of the attorney general for the year 1923 at page 452, you prescribed certain forms as required by section 6310-13a, as enacted in 109 Ohio laws. It would appear from an examination of the house bill referred to that it will be necessary to revise the prescribed forms in reference to the bill of sale for a used motor vehicle. Inasmuch as there are many inquiries from clerks of courts as to what is the proper form it is thought advisable to call your attention to this fact before the date upon which the law may become effective. It is suggested that if it is possible to indicate what changes in the forms are necessary before the effective date of the law, such action will avoid much confusion."

As suggested in your communication, certain changes were made in section 6310-7 relative to the requirement of the bill of sale for a "used motor vehicle." The section as amended provides :

"Sec. 6310-7. Each corporation, partnership, association, or person, in all sales, conveyances, transfers, gifts, exchanges of, or transactions in which title to a 'used motor vehicle' passes, shall execute in the presence of two witnesses a 'bill of sale,' in duplicate, and deliver the same to the corporation, partnership, association or person purchasing, receiving or obtaining such used motor vehicle, at or before such sale, conveyance, transfer, gift, exchange or passage of title; such 'bill of sale' shall contain the name of the manufacturer or maker, the manufacturer's number, the engine or motor number as well as any other numbers thereon, the horse-power of such motor vehicle, a general description of the body, the type and model, together with any other numbers or marks on appliances attached thereto which may tend to identify such motor vehicle; the name or names and residence or residences of each and every bona fide owner or owners of such used motor vehicle, beginning with the original or first purchaser of such used motor vehicle from the manufacturer or importer, or the direct agent or agents or either, and a record of each subsequent transaction, involving such used motor vehicle, down to the last owner, owners, or transferee from whom the corporation, partnership, association or person, selling, conveying, giving away or transferring derived title thereto; the residence or residences, so stated, shall be by city, village, township, county and state, together with the street and number or post office address, if any, of such former owner or owners, or, if there be no such addresses then by such description, designation, or information as may reasonably fix the place or places, residence or residences of such former owner or owners, and shall

contain also the date and place where the ownership of said motor vehicle by the corporation, partnership, association or person selling, conveying, giving away or transferring the same began, and whether he acquired title thereto by purchase from such last owner or owners, or in what manner such title was acquired, and a statement of any and all changes and alterations in the finish, design or appearance of the said used motor vehicle which had been made within the knowledge of the person making the statement."

In comparing the original section with the amended section, it will be noted that certain slight changes are made in reference to the actual requirements of the bill of sale. The amended section no longer requires the setting forth of the occupation and employer of the original owner and subsequent purchasers.

The section further requires that in the event there is no address with reference to the city, village, township, county or state, then the information "by such description, designation or information as may reasonably fix the place or places of residence or residences of such former owner or owners" shall be given.

While it may not be material, it would seem advisable to bring the form up to date. However, it may be pointed out herein that if the bill of sale for a used motor vehicle as originally approved by this department, is properly filled out and executed, it should be accepted by the clerk of courts as sufficient.

It may be further noted herein that there have been no changes in the law which would require a revising of the form of affidavit of ownership and bill of sale for a new motor vehicle as approved by this department in the year 1923.

Enclosed herewith you will find exhibit A, which is made a part hereof.

It is believed that such form meets all the requirements of the statute, and the same is hereby accordingly approved.

Respectfully,
 C. C. CRABBE,
Attorney General.

Approved by the Attorney General, June, 1925.

BILL OF SALE, in Duplicate
"Used Motor Vehicle"

Gen'l Code, Sec. 6310-7

Know All Men by These Presents, That¹-----
residing at -----
the Grantor-----, *do*-----*hereby execute this Bill of Sale in Duplicate and deliver to*²

Residing at-----

the Grantee-----, *the possession of the following described "Used Motor Vehicle":*
Manufacturer or Maker-----*Manufacturer's (Factory) No.*-----
Engine or Motor No.-----; *other numbers*-----
Horse Power-----; *Description of body*-----
Make-----; *Type*-----; *Model*-----
Other number or marks of identification thereon or on appliances attached thereto,-----

Original or First Purchaser from the Manufacturer or Importer or the Direct Agent
of Either.
*Name*²----- *Residence*-----

Subsequent Purchasers or Owners

Name²----- Residence-----

Name²----- Residence-----

Name²----- Residence-----

Grantor's Title: How acquired-----

Date-----19-----; Place-----

Changes and alterations in finish, design or appearance made within knowledge of Grantor-----

(If an imported vehicle, the following must be filled in.)

Importer-----

City and Country of Manufacturer-----

Port of Exportation----- Port of Importation-----

It is mutually understood that the contents, execution, delivery, acceptance or filing of this "bill of sale" in no manner affects or governs the rights, title and interest of either the transferer or transferee in and to the vehicle herein described or referred to, or in and to any chattel mortgage, note, paid or unpaid purchase price, lease, lien, insurance policy, conditional sale contract, or any contract or agreement collateral or otherwise of any kind whatsoever, concerning such vehicle, the sole purpose of this "bill of sale" being to comply with sections 6310-3 to 6310-14, inclusive, of the General Code of Ohio, and in order to evidence the fact that possession of such vehicle has changed on this day.

IN WITNESS WHEREOF, the said-----

has hereunto set h hand this-----day of-----19-----

Witnessed by

1. Here insert the name and residence, giving City, Village or Township, County and State, with street and number, if any, or post office address, if any, or, if there be no such addresses, then by such description, or information as may reasonably fix the place or places, residence or residences, of each Grantor.

2. Here insert same as to each Grantee.

OATH

The State of Ohio,-----County, ss.

-----being duly sworn, says that he is

1-----the grantor of the within described

Vehicle and that the statements in the foregoing Bill of Sale are in all respects true and correct as---he verily believes.

Sworn to before me and signed in my presence this-----day of-----19--

-----County, Ohio.

1. Here insert, if so, "Agent of.....(give name.)"

PENALTIES FOR FAILURE TO COMPLY WITH LAW IN SALE AND PURCHASE OF A MOTOR VEHICLE.

- 1. Driving vehicle upon public highways without having a "Bill of Sale" as defined by law, or without having first filed with the Clerk of Courts a sworn statement of ownership and obtained a certified copy of same. Penalty—Fine \$25.00 to \$5000.00.
- 2. To transfer a motor vehicle except by "Bill of Sale," as defined by law, or to obtain a motor vehicle without receiving the "Bill of Sale," as defined by law. Penalty—Fine \$25.00 to \$5000.00.
- 3. The grantor must execute "Bill of Sale" in presence of two witnesses and verify before Notary Public or other person authorized by law to administer oaths and grantee must sign the same. Penalty—Fine \$25.00 to \$5000.00.
- 4. For failure of grantee to file copy of "Bill of Sale" with Clerk of Courts within three days after receiving same. Penalty—Fine \$25.00 to \$5000.00.
- 5. This is an original "Bill of Sale" and must be delivered to a future grantee. Penalty—Fine \$25.00 to \$5000.00.
- 6. Unlawful for grantor to misrepresent in "Bill of Sale" or "Sworn Statement" any fact or to forge, change or counterfeit any part thereof. Penalty—Fine \$50.00 to \$5000.00, or imprisonment in Ohio Penitentiary not more than five years or both.

No. -----

Original Bill of Sale No. -----
-----County, Ohio.

**BILL OF SALE
In Duplicate
"Used Motor Vehicle"**

Make -----
Type -----
Model -----

Grantor---

TO

Grantee----

Filed -----192-----

Clerk of Courts,
-----County, Ohio.

By -----Deputy.

[L. S.]