



As Passed by the House

132nd General Assembly

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Sub. S. B. No. 263

Senators Huffman, Wilson

Cosponsors: Senators Terhar, Lehner, Sykes, Hackett, Hottinger, Beagle, Coley, Dolan, Hoagland, Kunze, LaRose, Peterson, Schiavoni, Yuko Representatives Blessing, Anielski, Carfagna, Craig, Galonski, Hambley, Miller, Perales, Reineke, Ryan, Schuring, Seitz, Slaby, Speaker Smith

A BILL

To amend sections 109.572, 147.01, 147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 147.51, 147.55, 2303.20, 4505.11, 4735.01, and 4738.021, to enact sections 147.011, 147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 147.62, 147.63, 147.631, 147.64, 147.65, 147.66, and 4735.023 and to repeal sections 147.02 and 147.09 of the Revised Code to enact the Notary Public Modernization Act, to create the National Motor Vehicle Title Information System Utilization Study Committee, to limit the circumstances under which a clerk of court may issue salvage certificates of title until January 1, 2021, to make changes to the law related to motor vehicle salvage data collection, and to revise Ohio law regarding oil and gas land professionals.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 109.572, 147.01, 147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 147.51, 147.55, 2303.20, 4505.11, 4735.01, and 4738.021 be amended and sections 147.011, 147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 147.62, 147.63, 147.631, 147.64, 147.65, 147.66, and 4735.023 of the Revised Code be enacted to read as follows:

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of

section 2905.04 of the Revised Code as it existed prior to July 51
1, 1996, had the violation been committed prior to that date, or 52
a violation of section 2925.11 of the Revised Code that is not a 53
minor drug possession offense; 54

(b) A violation of an existing or former law of this 55
state, any other state, or the United States that is 56
substantially equivalent to any of the offenses listed in 57
division (A) (1) (a) of this section; 58

(c) If the request is made pursuant to section 3319.39 of 59
the Revised Code for an applicant who is a teacher, any offense 60
specified in section 3319.31 of the Revised Code. 61

(2) On receipt of a request pursuant to section 3712.09 or 62
3721.121 of the Revised Code, a completed form prescribed 63
pursuant to division (C) (1) of this section, and a set of 64
fingerprint impressions obtained in the manner described in 65
division (C) (2) of this section, the superintendent of the 66
bureau of criminal identification and investigation shall 67
conduct a criminal records check with respect to any person who 68
has applied for employment in a position for which a criminal 69
records check is required by those sections. The superintendent 70
shall conduct the criminal records check in the manner described 71
in division (B) of this section to determine whether any 72
information exists that indicates that the person who is the 73
subject of the request previously has been convicted of or 74
pleaded guilty to any of the following: 75

(a) A violation of section 2903.01, 2903.02, 2903.03, 76
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 77
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 78
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 79
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 80

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 81
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 82
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 83
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 84

(b) An existing or former law of this state, any other 85
state, or the United States that is substantially equivalent to 86
any of the offenses listed in division (A) (2) (a) of this 87
section. 88

(3) On receipt of a request pursuant to section 173.27, 89
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 90
5123.081, or 5123.169 of the Revised Code, a completed form 91
prescribed pursuant to division (C) (1) of this section, and a 92
set of fingerprint impressions obtained in the manner described 93
in division (C) (2) of this section, the superintendent of the 94
bureau of criminal identification and investigation shall 95
conduct a criminal records check of the person for whom the 96
request is made. The superintendent shall conduct the criminal 97
records check in the manner described in division (B) of this 98
section to determine whether any information exists that 99
indicates that the person who is the subject of the request 100
previously has been convicted of, has pleaded guilty to, or 101
(except in the case of a request pursuant to section 5164.34, 102
5164.341, or 5164.342 of the Revised Code) has been found 103
eligible for intervention in lieu of conviction for any of the 104
following, regardless of the date of the conviction, the date of 105
entry of the guilty plea, or (except in the case of a request 106
pursuant to section 5164.34, 5164.341, or 5164.342 of the 107
Revised Code) the date the person was found eligible for 108
intervention in lieu of conviction: 109

(a) A violation of section 959.13, 959.131, 2903.01, 110

2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	111
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	112
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	113
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	114
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	115
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	116
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	117
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	118
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	119
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	120
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	121
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	122
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	123
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	124
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	125
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	126
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	127
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	128
(b) Felonious sexual penetration in violation of former	129
section 2907.12 of the Revised Code;	130
(c) A violation of section 2905.04 of the Revised Code as	131
it existed prior to July 1, 1996;	132
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	133
the Revised Code when the underlying offense that is the object	134
of the conspiracy, attempt, or complicity is one of the offenses	135
listed in divisions (A) (3) (a) to (c) of this section;	136
(e) A violation of an existing or former municipal	137
ordinance or law of this state, any other state, or the United	138
States that is substantially equivalent to any of the offenses	139
listed in divisions (A) (3) (a) to (d) of this section.	140

(4) On receipt of a request pursuant to section 2151.86 of 141
the Revised Code, a completed form prescribed pursuant to 142
division (C)(1) of this section, and a set of fingerprint 143
impressions obtained in the manner described in division (C)(2) 144
of this section, the superintendent of the bureau of criminal 145
identification and investigation shall conduct a criminal 146
records check in the manner described in division (B) of this 147
section to determine whether any information exists that 148
indicates that the person who is the subject of the request 149
previously has been convicted of or pleaded guilty to any of the 150
following: 151

(a) A violation of section 959.13, 2903.01, 2903.02, 152
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 153
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 154
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 155
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 156
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 157
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 158
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 159
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 160
2927.12, or 3716.11 of the Revised Code, a violation of section 161
2905.04 of the Revised Code as it existed prior to July 1, 1996, 162
a violation of section 2919.23 of the Revised Code that would 163
have been a violation of section 2905.04 of the Revised Code as 164
it existed prior to July 1, 1996, had the violation been 165
committed prior to that date, a violation of section 2925.11 of 166
the Revised Code that is not a minor drug possession offense, 167
two or more OVI or OVUAC violations committed within the three 168
years immediately preceding the submission of the application or 169
petition that is the basis of the request, or felonious sexual 170
penetration in violation of former section 2907.12 of the 171

Revised Code;	172
(b) A violation of an existing or former law of this	173
state, any other state, or the United States that is	174
substantially equivalent to any of the offenses listed in	175
division (A) (4) (a) of this section.	176
(5) Upon receipt of a request pursuant to section 5104.013	177
of the Revised Code, a completed form prescribed pursuant to	178
division (C) (1) of this section, and a set of fingerprint	179
impressions obtained in the manner described in division (C) (2)	180
of this section, the superintendent of the bureau of criminal	181
identification and investigation shall conduct a criminal	182
records check in the manner described in division (B) of this	183
section to determine whether any information exists that	184
indicates that the person who is the subject of the request has	185
been convicted of or pleaded guilty to any of the following:	186
(a) A violation of section 2151.421, 2903.01, 2903.02,	187
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,	188
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,	189
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	190
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25,	191
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,	192
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12,	193
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11,	194
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41,	195
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,	196
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	197
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11,	198
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13,	199
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	200
3716.11 of the Revised Code, felonious sexual penetration in	201

violation of former section 2907.12 of the Revised Code, a 202
violation of section 2905.04 of the Revised Code as it existed 203
prior to July 1, 1996, a violation of section 2919.23 of the 204
Revised Code that would have been a violation of section 2905.04 205
of the Revised Code as it existed prior to July 1, 1996, had the 206
violation been committed prior to that date, a violation of 207
section 2925.11 of the Revised Code that is not a minor drug 208
possession offense, a violation of section 2923.02 or 2923.03 of 209
the Revised Code that relates to a crime specified in this 210
division, or a second violation of section 4511.19 of the 211
Revised Code within five years of the date of application for 212
licensure or certification. 213

(b) A violation of an existing or former law of this 214
state, any other state, or the United States that is 215
substantially equivalent to any of the offenses or violations 216
described in division (A) (5) (a) of this section. 217

(6) Upon receipt of a request pursuant to section 5153.111 218
of the Revised Code, a completed form prescribed pursuant to 219
division (C) (1) of this section, and a set of fingerprint 220
impressions obtained in the manner described in division (C) (2) 221
of this section, the superintendent of the bureau of criminal 222
identification and investigation shall conduct a criminal 223
records check in the manner described in division (B) of this 224
section to determine whether any information exists that 225
indicates that the person who is the subject of the request 226
previously has been convicted of or pleaded guilty to any of the 227
following: 228

(a) A violation of section 2903.01, 2903.02, 2903.03, 229
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 230
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 231

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 232
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 233
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 234
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 235
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 236
Code, felonious sexual penetration in violation of former 237
section 2907.12 of the Revised Code, a violation of section 238
2905.04 of the Revised Code as it existed prior to July 1, 1996, 239
a violation of section 2919.23 of the Revised Code that would 240
have been a violation of section 2905.04 of the Revised Code as 241
it existed prior to July 1, 1996, had the violation been 242
committed prior to that date, or a violation of section 2925.11 243
of the Revised Code that is not a minor drug possession offense; 244

(b) A violation of an existing or former law of this 245
state, any other state, or the United States that is 246
substantially equivalent to any of the offenses listed in 247
division (A) (6) (a) of this section. 248

(7) On receipt of a request for a criminal records check 249
from an individual pursuant to section 4749.03 or 4749.06 of the 250
Revised Code, accompanied by a completed copy of the form 251
prescribed in division (C) (1) of this section and a set of 252
fingerprint impressions obtained in a manner described in 253
division (C) (2) of this section, the superintendent of the 254
bureau of criminal identification and investigation shall 255
conduct a criminal records check in the manner described in 256
division (B) of this section to determine whether any 257
information exists indicating that the person who is the subject 258
of the request has been convicted of or pleaded guilty to a 259
felony in this state or in any other state. If the individual 260
indicates that a firearm will be carried in the course of 261
business, the superintendent shall require information from the 262

federal bureau of investigation as described in division (B) (2) 263
of this section. Subject to division (F) of this section, the 264
superintendent shall report the findings of the criminal records 265
check and any information the federal bureau of investigation 266
provides to the director of public safety. 267

(8) On receipt of a request pursuant to section 1321.37, 268
1321.53, or 4763.05 of the Revised Code, a completed form 269
prescribed pursuant to division (C) (1) of this section, and a 270
set of fingerprint impressions obtained in the manner described 271
in division (C) (2) of this section, the superintendent of the 272
bureau of criminal identification and investigation shall 273
conduct a criminal records check with respect to any person who 274
has applied for a license, permit, or certification from the 275
department of commerce or a division in the department. The 276
superintendent shall conduct the criminal records check in the 277
manner described in division (B) of this section to determine 278
whether any information exists that indicates that the person 279
who is the subject of the request previously has been convicted 280
of or pleaded guilty to any of the following: a violation of 281
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 282
Revised Code; any other criminal offense involving theft, 283
receiving stolen property, embezzlement, forgery, fraud, passing 284
bad checks, money laundering, or drug trafficking, or any 285
criminal offense involving money or securities, as set forth in 286
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 287
the Revised Code; or any existing or former law of this state, 288
any other state, or the United States that is substantially 289
equivalent to those offenses. 290

(9) On receipt of a request for a criminal records check 291
from the treasurer of state under section 113.041 of the Revised 292
Code or from an individual under section 4701.08, 4715.101, 293

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 294
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 295
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 296
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 297
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 298
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 299
Code, accompanied by a completed form prescribed under division 300
(C) (1) of this section and a set of fingerprint impressions 301
obtained in the manner described in division (C) (2) of this 302
section, the superintendent of the bureau of criminal 303
identification and investigation shall conduct a criminal 304
records check in the manner described in division (B) of this 305
section to determine whether any information exists that 306
indicates that the person who is the subject of the request has 307
been convicted of or pleaded guilty to any criminal offense in 308
this state or any other state. Subject to division (F) of this 309
section, the superintendent shall send the results of a check 310
requested under section 113.041 of the Revised Code to the 311
treasurer of state and shall send the results of a check 312
requested under any of the other listed sections to the 313
licensing board specified by the individual in the request. 314

(10) On receipt of a request pursuant to section 1121.23, 315
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 316
form prescribed pursuant to division (C) (1) of this section, and 317
a set of fingerprint impressions obtained in the manner 318
described in division (C) (2) of this section, the superintendent 319
of the bureau of criminal identification and investigation shall 320
conduct a criminal records check in the manner described in 321
division (B) of this section to determine whether any 322
information exists that indicates that the person who is the 323
subject of the request previously has been convicted of or 324

pleaded guilty to any criminal offense under any existing or 325
former law of this state, any other state, or the United States. 326

(11) On receipt of a request for a criminal records check 327
from an appointing or licensing authority under section 3772.07 328
of the Revised Code, a completed form prescribed under division 329
(C) (1) of this section, and a set of fingerprint impressions 330
obtained in the manner prescribed in division (C) (2) of this 331
section, the superintendent of the bureau of criminal 332
identification and investigation shall conduct a criminal 333
records check in the manner described in division (B) of this 334
section to determine whether any information exists that 335
indicates that the person who is the subject of the request 336
previously has been convicted of or pleaded guilty or no contest 337
to any offense under any existing or former law of this state, 338
any other state, or the United States that is a disqualifying 339
offense as defined in section 3772.07 of the Revised Code or 340
substantially equivalent to such an offense. 341

(12) On receipt of a request pursuant to section 2151.33 342
or 2151.412 of the Revised Code, a completed form prescribed 343
pursuant to division (C) (1) of this section, and a set of 344
fingerprint impressions obtained in the manner described in 345
division (C) (2) of this section, the superintendent of the 346
bureau of criminal identification and investigation shall 347
conduct a criminal records check with respect to any person for 348
whom a criminal records check is required under that section. 349
The superintendent shall conduct the criminal records check in 350
the manner described in division (B) of this section to 351
determine whether any information exists that indicates that the 352
person who is the subject of the request previously has been 353
convicted of or pleaded guilty to any of the following: 354

(a) A violation of section 2903.01, 2903.02, 2903.03, 355
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 356
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 357
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 358
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 359
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 360
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 361
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 362
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 363

(b) An existing or former law of this state, any other 364
state, or the United States that is substantially equivalent to 365
any of the offenses listed in division (A) (12) (a) of this 366
section. 367

(13) On receipt of a request pursuant to section 3796.12 368
of the Revised Code, a completed form prescribed pursuant to 369
division (C) (1) of this section, and a set of fingerprint 370
impressions obtained in a manner described in division (C) (2) of 371
this section, the superintendent of the bureau of criminal 372
identification and investigation shall conduct a criminal 373
records check in the manner described in division (B) of this 374
section to determine whether any information exists that 375
indicates that the person who is the subject of the request 376
previously has been convicted of or pleaded guilty to the 377
following: 378

(a) A disqualifying offense as specified in rules adopted 379
under division (B) (2) (b) of section 3796.03 of the Revised Code 380
if the person who is the subject of the request is an 381
administrator or other person responsible for the daily 382
operation of, or an owner or prospective owner, officer or 383
prospective officer, or board member or prospective board member 384

of, an entity seeking a license from the department of commerce 385
under Chapter 3796. of the Revised Code; 386

(b) A disqualifying offense as specified in rules adopted 387
under division (B) (2) (b) of section 3796.04 of the Revised Code 388
if the person who is the subject of the request is an 389
administrator or other person responsible for the daily 390
operation of, or an owner or prospective owner, officer or 391
prospective officer, or board member or prospective board member 392
of, an entity seeking a license from the state board of pharmacy 393
under Chapter 3796. of the Revised Code. 394

(14) On receipt of a request required by section 3796.13 395
of the Revised Code, a completed form prescribed pursuant to 396
division (C) (1) of this section, and a set of fingerprint 397
impressions obtained in a manner described in division (C) (2) of 398
this section, the superintendent of the bureau of criminal 399
identification and investigation shall conduct a criminal 400
records check in the manner described in division (B) of this 401
section to determine whether any information exists that 402
indicates that the person who is the subject of the request 403
previously has been convicted of or pleaded guilty to the 404
following: 405

(a) A disqualifying offense as specified in rules adopted 406
under division (B) (8) (a) of section 3796.03 of the Revised Code 407
if the person who is the subject of the request is seeking 408
employment with an entity licensed by the department of commerce 409
under Chapter 3796. of the Revised Code; 410

(b) A disqualifying offense as specified in rules adopted 411
under division (B) (14) (a) of section 3796.04 of the Revised Code 412
if the person who is the subject of the request is seeking 413
employment with an entity licensed by the state board of 414

pharmacy under Chapter 3796. of the Revised Code. 415

(15) On receipt of a request for a criminal records check 416
under section 147.022 of the Revised Code, a completed form 417
prescribed under division (C) (1) of this section, and a set of 418
fingerprint impressions obtained in the manner prescribed in 419
division (C) (2) of this section, the superintendent of the 420
bureau of criminal identification and investigation shall 421
conduct a criminal records check in the manner described in 422
division (B) of this section to determine whether any 423
information exists that indicates that the person who is the 424
subject of the request previously has been convicted of or 425
pleaded guilty or no contest to any disqualifying offense, as 426
defined in section 147.011 of the Revised Code, or to any 427
offense under any existing or former law of this state, any 428
other state, or the United States that is substantially 429
equivalent to such a disqualifying offense. 430

(B) Subject to division (F) of this section, the 431
superintendent shall conduct any criminal records check to be 432
conducted under this section as follows: 433

(1) The superintendent shall review or cause to be 434
reviewed any relevant information gathered and compiled by the 435
bureau under division (A) of section 109.57 of the Revised Code 436
that relates to the person who is the subject of the criminal 437
records check, including, if the criminal records check was 438
requested under section 113.041, 121.08, 173.27, 173.38, 439
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 440
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 441
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 442
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 443
5153.111 of the Revised Code, any relevant information contained 444

in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), ~~or~~ (14), or (15) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the 475
criminal records check to the person to whom it is to be sent 476
not later than the following number of days after the date the 477
superintendent receives the request for the criminal records 478
check, the completed form prescribed under division (C) (1) of 479
this section, and the set of fingerprint impressions obtained in 480
the manner described in division (C) (2) of this section: 481

(a) If the superintendent is required by division (A) of 482
this section (other than division (A) (3) of this section) to 483
conduct the criminal records check, thirty; 484

(b) If the superintendent is required by division (A) (3) 485
of this section to conduct the criminal records check, sixty. 486

(C) (1) The superintendent shall prescribe a form to obtain 487
the information necessary to conduct a criminal records check 488
from any person for whom a criminal records check is to be 489
conducted under this section. The form that the superintendent 490
prescribes pursuant to this division may be in a tangible 491
format, in an electronic format, or in both tangible and 492
electronic formats. 493

(2) The superintendent shall prescribe standard impression 494
sheets to obtain the fingerprint impressions of any person for 495
whom a criminal records check is to be conducted under this 496
section. Any person for whom a records check is to be conducted 497
under this section shall obtain the fingerprint impressions at a 498
county sheriff's office, municipal police department, or any 499
other entity with the ability to make fingerprint impressions on 500
the standard impression sheets prescribed by the superintendent. 501
The office, department, or entity may charge the person a 502
reasonable fee for making the impressions. The standard 503
impression sheets the superintendent prescribes pursuant to this 504

division may be in a tangible format, in an electronic format, 505
or in both tangible and electronic formats. 506

(3) Subject to division (D) of this section, the 507
superintendent shall prescribe and charge a reasonable fee for 508
providing a criminal records check under this section. The 509
person requesting the criminal records check shall pay the fee 510
prescribed pursuant to this division. In the case of a request 511
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 512
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 513
fee shall be paid in the manner specified in that section. 514

(4) The superintendent of the bureau of criminal 515
identification and investigation may prescribe methods of 516
forwarding fingerprint impressions and information necessary to 517
conduct a criminal records check, which methods shall include, 518
but not be limited to, an electronic method. 519

(D) The results of a criminal records check conducted 520
under this section, other than a criminal records check 521
specified in division (A)(7) of this section, are valid for the 522
person who is the subject of the criminal records check for a 523
period of one year from the date upon which the superintendent 524
completes the criminal records check. If during that period the 525
superintendent receives another request for a criminal records 526
check to be conducted under this section for that person, the 527
superintendent shall provide the results from the previous 528
criminal records check of the person at a lower fee than the fee 529
prescribed for the initial criminal records check. 530

(E) When the superintendent receives a request for 531
information from a registered private provider, the 532
superintendent shall proceed as if the request was received from 533
a school district board of education under section 3319.39 of 534

the Revised Code. The superintendent shall apply division (A) (1) 535
(c) of this section to any such request for an applicant who is 536
a teacher. 537

(F) (1) Subject to division (F) (2) of this section, all 538
information regarding the results of a criminal records check 539
conducted under this section that the superintendent reports or 540
sends under division (A) (7) or (9) of this section to the 541
director of public safety, the treasurer of state, or the 542
person, board, or entity that made the request for the criminal 543
records check shall relate to the conviction of the subject 544
person, or the subject person's plea of guilty to, a criminal 545
offense. 546

(2) Division (F) (1) of this section does not limit, 547
restrict, or preclude the superintendent's release of 548
information that relates to the arrest of a person who is 549
eighteen years of age or older, to an adjudication of a child as 550
a delinquent child, or to a criminal conviction of a person 551
under eighteen years of age in circumstances in which a release 552
of that nature is authorized under division (E) (2), (3), or (4) 553
of section 109.57 of the Revised Code pursuant to a rule adopted 554
under division (E) (1) of that section. 555

(G) As used in this section: 556

(1) "Criminal records check" means any criminal records 557
check conducted by the superintendent of the bureau of criminal 558
identification and investigation in accordance with division (B) 559
of this section. 560

(2) "Minor drug possession offense" has the same meaning 561
as in section 2925.01 of the Revised Code. 562

(3) "OVI or OVUAC violation" means a violation of section 563

4511.19 of the Revised Code or a violation of an existing or 564
former law of this state, any other state, or the United States 565
that is substantially equivalent to section 4511.19 of the 566
Revised Code. 567

(4) "Registered private provider" means a nonpublic school 568
or entity registered with the superintendent of public 569
instruction under section 3310.41 of the Revised Code to 570
participate in the autism scholarship program or section 3310.58 571
of the Revised Code to participate in the Jon Peterson special 572
needs scholarship program. 573

Sec. 147.01. (A) The secretary of state may appoint and 574
commission as notaries public as many persons who meet the 575
qualifications of division (B) of this section as the secretary 576
of state considers necessary. 577

(B) In order for a person to qualify to be appointed and 578
commissioned as a notary public, the person ~~must satisfy both~~ 579
shall demonstrate to the secretary of state that the person 580
satisfies all of the following: 581

(1) The person has attained the age of eighteen years. 582

(2) ~~One of the following applies:~~ 583

(a) ~~The~~ Except as provided in division (B) (2) (b) of this 584
section, the person is a legal resident of this state who is not 585
~~an attorney admitted to the practice of law in this state by the~~ 586
~~Ohio supreme court.~~ 587

(b) ~~The person is a legal resident of this state who is an~~ 588
~~attorney admitted to the practice of law in this state by the~~ 589
~~Ohio supreme court.~~ 590

(c) The person is not a legal resident of this state, but 591

is an attorney admitted to the practice of law in this state by 592
the Ohio supreme court, and has the person's principal place of 593
business or the person's primary practice in this state. 594

(3) (a) Except as provided in division (B) (3) (b) of this 595
section, the person has submitted a criminal records check 596
report completed within the preceding six months in accordance 597
with section 147.022 of the Revised Code demonstrating that the 598
applicant has not been convicted of or pleaded guilty or no 599
contest to a disqualifying offense, or any offense under an 600
existing or former law of this state, any other state, or the 601
United States that is substantially equivalent to such a 602
disqualifying offense. 603

(b) An attorney admitted to the practice of law in this 604
state shall not be required to submit a criminal records check 605
when applying to be appointed a notary public. 606

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 607
of this section, the person has successfully completed an 608
educational program and passed a test administered by the 609
entities authorized by the secretary of state as required under 610
section 147.021 of the Revised Code. 611

(b) An attorney who is commissioned as a notary public in 612
this state prior to the effective date of this amendment shall 613
not be required to complete an education program or pass a test 614
as required in division (B) (4) (a) of this section. 615

(c) Any attorney who applies to become commissioned as a 616
notary public in this state after the effective date of this 617
amendment shall not be required to pass a test as required in 618
division (B) (4) (a) of this section, but shall be required to 619
complete an education program required by that division. 620

(C) A notary public shall be appointed and commissioned as a notary public for the state. The secretary of state may revoke a commission issued to a notary public upon presentation of satisfactory evidence of official misconduct or incapacity.

(D) The secretary of state shall oversee the processing of notary public applications and shall issue all notary public commissions. The secretary of state shall oversee the creation and maintenance of the online database of notaries public commissioned in this state pursuant to section 147.051 of the Revised Code. The secretary of state may perform all other duties as required by this section. The entities authorized by the secretary of state pursuant to section 147.021 or 147.63 of the Revised Code shall administer the educational program and required test or course of instruction and examination, as applicable.

(E) All submissions to the secretary of state for receiving and renewing commissions, or notifications made under section 147.05 of the Revised Code, shall be done electronically.

Sec. 147.011. As used in this chapter:

(A) "Acknowledgment" means a notarial act in which the signer of the notarized document acknowledges all of the following:

(1) That the signer has signed the document;

(2) That the signer understands the document;

(3) That the signer is aware of the consequences of executing the document by signing it.

(B) "Criminal records check" has the same meaning as in

section 109.572 of the Revised Code. 649

(C) "Disqualifying offense" means a crime of moral 650
turpitude as defined in section 4776.10 of the Revised Code and 651
a violation of a provision of Chapter 2913. of the Revised Code. 652

(D) "Jurat" means a notarial act in which both of the 653
following are met: 654

(1) The signer of the notarized document is required to 655
give an oath or affirmation that the statement in the notarized 656
document is true and correct; 657

(2) The signer signs the notarized document in the 658
presence of a notary public. 659

(E) "Notarial certificate" means the part of, or 660
attachment to, a document that is completed by the notary public 661
and upon which the notary public places the notary public's 662
signature and seal. 663

Sec. 147.021. (A) (1) Except as provided in division (B) (4) 664
of section 147.01 of the Revised Code, no person shall be 665
appointed as a notary public unless that person has completed an 666
educational program related to the requirements of this chapter 667
and passed a test demonstrating knowledge of such requirements. 668

(2) The secretary of state may authorize that such a 669
program be completed online. 670

(B) The secretary of state shall adopt, in rules under 671
Chapter 119. of the Revised Code, standards and curricula for 672
the educational program required under this section. The rules 673
shall address all of the following: 674

(1) The entities authorized to administer the educational 675
program and the required test, which shall include the following 676

<u>entities that meet the minimum requirements established by the</u>	677
<u>secretary of state:</u>	678
<u>(a) Those entities providing notary public educational</u>	679
<u>programming and testing services prior to the effective date of</u>	680
<u>this section;</u>	681
<u>(b) Another entity that has a business relationship with</u>	682
<u>an entity described in division (B) (1) (a) of this section.</u>	683
<u>(2) The standards and curricula of the program, which</u>	684
<u>shall be established in coordination with the entities</u>	685
<u>authorized to administer the program and the required test and</u>	686
<u>shall include all of the following:</u>	687
<u>(a) The terms of notary commission;</u>	688
<u>(b) How to renew a commission;</u>	689
<u>(c) The conditions under which a commission may be</u>	690
<u>revoked;</u>	691
<u>(d) What constitutes a legal notarial act;</u>	692
<u>(e) The manner of taking depositions; ___</u>	693
<u>(f) The taking of an acknowledgment;</u>	694
<u>(g) The administration of a jurat.</u>	695
<u>(3) The provisions and content of the required test, which</u>	696
<u>shall be established in coordination with the entities</u>	697
<u>authorized to administer the educational program and required</u>	698
<u>test.</u>	699
<u>Sec. 147.022. (A) (1) The secretary of state shall require</u>	700
<u>each applicant for a notary commission, other than an attorney</u>	701
<u>licensed to practice law in this state, to complete a criminal</u>	702
<u>records check.</u>	703

(2) The secretary shall not accept an application for a notary commission that includes the report of a criminal records check that is more than six months old. 704
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(B) The secretary of state shall provide to each person applying for a notary commission, other than an attorney admitted to the practice of law in this state, information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C) (1) of section 109.572 of the Revised Code and the standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C) (2) of that section. 707
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(C) Each person requesting a criminal records check under this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code. 716
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(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 720
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(1) The person who is the subject of the criminal records check or the person's representative; 726
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(2) The secretary of state and the staff of the secretary of state; 728
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(3) A court, hearing officer, or other necessary individual involved in a case dealing with a commission denial resulting from the criminal records check. 730
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(E) The secretary of state shall deny a notary commission application if, after receiving the information and notification required by this section, a person subject the criminal records check requirement fails to do either of the following: 733
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(1) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section; 737
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(2) Submit the completed report of the criminal records check to the secretary of state. 742
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Sec. 147.03. Each notary public, except an attorney admitted to the practice of law in this state by the Ohio supreme court, shall hold office for the term of five years unless the commission is revoked. An attorney admitted to the practice of law in this state by the Ohio supreme court shall hold office as a notary public as long as the attorney is a resident of this state or has the attorney's principal place of business or primary practice in this state, the attorney is in good standing before the Ohio supreme court, and the commission is not revoked. Before entering upon the duties of office, a notary public shall take and subscribe an oath to be endorsed on the notary public's commission. 744
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A notary public who violates the oath of office required by this section shall be removed from office by the ~~court of common pleas of the county in which the notary public resides~~ secretary of state, upon complaint filed and substantiated ~~in the court, and the court, upon removing a notary public from office, shall certify the removal to~~ by the secretary of state. 756
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The person so removed shall be ineligible for reappointment to

the office of notary public. 763

Sec. 147.031. (A) (1) Except as provided in division (A) (2) 764
of this section, a commission for a notary public appointed 765
prior to the effective date of this section shall remain valid 766
until that commission's expiration date. 767

(2) A commission issued to an attorney shall be governed 768
by section 147.03 of the Revised Code. 769

(B) A commission that is set to expire as described in 770
section 147.03 of the Revised Code or as in division (A) of this 771
section shall not be renewed unless the notary submits to the 772
secretary of state through the entities authorized in section 773
147.021 of the Revised Code all of the following: 774

(1) A new criminal records check report as required under 775
division (B) (3) of section 147.01 of the Revised Code; 776

(2) A fee of not more than sixty dollars, set by the 777
secretary of state in a rule adopted under Chapter 119. of the 778
Revised Code; 779

(3) An application for renewal on a form prescribed by the 780
secretary. 781

(C) A notary public may apply to renew the notary's 782
commission beginning three months prior to the expiration date 783
of the commission. 784

(D) If the notary public's commission expires before the 785
notary submits the application for renewal, the secretary of 786
state shall not renew that expired commission but shall permit 787
the person to apply for a new notary commission. 788

Sec. 147.032. (A) (1) If the secretary of state believes 789
that a violation of this chapter has occurred, the secretary of 790

<u>state may investigate such violations.</u>	791
<u>(2) The secretary of state may investigate possible</u>	792
<u>violations of this chapter upon a signed complaint from any</u>	793
<u>person.</u>	794
<u>(B) The secretary of state may hold a disciplinary hearing</u>	795
<u>if the secretary of state determines a hearing to be appropriate</u>	796
<u>after an investigation conducted under division (A) of this</u>	797
<u>section.</u>	798
<u>(C) After holding an administrative hearing and concluding</u>	799
<u>that a violation of this chapter has occurred, the secretary of</u>	800
<u>state may do any of the following:</u>	801
<u>(1) Revoke the notary public's commission;</u>	802
<u>(2) Suspend the notary public's commission for a specified</u>	803
<u>period of time or until fulfillment of a condition, such as</u>	804
<u>retraining, or both.</u>	805
<u>(3) Issue a letter of admonition that shall be placed in</u>	806
<u>the notary public's record.</u>	807
<u>(D) A person whose notary commission has been revoked may</u>	808
<u>not apply for a subsequent notary commission.</u>	809
<u>(E) The secretary of state may adopt rules under Chapter</u>	810
<u>119. of the Revised Code to set forth procedures for</u>	811
<u>investigations and hearings regarding violations of this chapter</u>	812
<u>and disciplinary actions taken.</u>	813
<u>(F) The secretary of state may establish an advisory board</u>	814
<u>to meet as the secretary of state considers necessary to discuss</u>	815
<u>matters related to notary law and procedures.</u>	816
Sec. 147.04. Before entering upon the discharge of his	817

official duties, a notary public shall ~~provide himself with~~ 818
obtain the seal of a notary public. The seal shall consist of 819
the coat of arms of the state within a circle that is at least 820
three-quarters of an inch, but not larger than one inch, in 821
diameter and shall be surrounded by the words "notary public," 822
"notarial seal," or words to that effect, the name of the notary 823
public, and the words "State of Ohio." The seal may be of either 824
a type that will stamp ink onto a document or one that will 825
emboss it. The name of the notary public may, instead of 826
appearing on the seal, be printed, typewritten, or stamped in 827
legible, printed letters near ~~his~~ the notary public's signature 828
on each document signed by ~~him~~ the notary public. ~~A notary~~ 829
~~public shall also provide himself with an official register in~~ 830
~~which shall be recorded a copy of every certificate of protest~~ 831
~~and copy of note, which seal and record shall be exempt from~~ 832
~~execution. Upon the death, expiration of term without~~ 833
~~reappointment, or removal from office of any notary public, his~~ 834
~~official register shall be deposited in the office of the county~~ 835
~~recorder of the county in which he resides.~~ 836

Sec. 147.041. A person commissioned as a notary public 837
prior to the effective date of this section may continue to use 838
a seal that met the requirements of section 147.04 of the 839
Revised Code and that was in that person's possession before 840
that date. 841

Sec. 147.05. (A) ~~Before entering upon the duties of the~~ 842
~~office of notary public, a notary public shall leave the notary~~ 843
~~public's commission with the oath endorsed on the commission~~ 844
~~with the clerk of the court of common pleas of the county in~~ 845
~~which the notary public resides. The clerk shall record the~~ 846
~~commission in a book kept for that purpose. The clerk shall~~ 847
~~endorse on the margin of the record and on the back of the~~ 848

~~commission the time that the clerk received the commission for 849
record and make a proper index to all commissions so recorded. 850
For recording and indexing a commission, the fee of the clerk 851
shall be as provided in division (R) of section 2303.20 of the 852
Revised Code. 853~~

~~(B)~~ The secretary of state shall maintain a record of the 854
commissions of each notary public appointed and commissioned by 855
the secretary of state under this chapter and make a proper 856
index to that record. 857

The governor's office shall transfer to the secretary of 858
state's office, on or after June 6, 2001, the record of notaries 859
public formerly kept by the governor's office under section 860
107.10 of the Revised Code. The secretary of state's office 861
shall maintain that record together with the record and index of 862
commissions of notaries public required by this division. 863

~~(C)~~ (B) If a notary public legally changes the notary 864
public's name or address after having been commissioned as a 865
notary public, the notary public shall notify the secretary of 866
state ~~and the appropriate clerk of courts~~ within thirty days 867
after the name or address change. ~~Notification to the secretary~~ 868
~~of state~~ Such a notification shall be on a form prescribed by 869
the secretary of state. 870

~~(D)~~ (C) A notary, ~~other than an attorney~~, who resigns the 871
person's commission shall deliver to the secretary of state, on 872
a form prescribed by the secretary of state, a written notice 873
indicating the effective date of resignation. 874

(D) (1) A notary shall inform the secretary of state of 875
being convicted of or pleading guilty or no contest to any 876
disqualifying offense, as defined in section 147.011 of the 877

Revised Code, or any offense under an existing or former law of 878
this state, any other state, or the United States that is 879
substantially equivalent to such a disqualifying offense during 880
the term of the notary's commission. 881

(2) The secretary of state shall revoke the commission of 882
any person who is convicted of or pleads guilty or no contest to 883
a disqualifying offense, including an attorney licensed to 884
practice law in this state. 885

Sec. 147.051. The secretary of state shall maintain a 886
database of notaries public on a publicly accessible web site. 887
The web site shall provide all of the following information in 888
relation to each notary public: 889

(A) A verification of the authority and good standing of 890
the individual to perform notarial acts; 891

(B) Whether the notary is registered to perform online 892
notarizations, as defined in section 147.60 of the Revised Code; 893

(C) A description of any administrative or disciplinary 894
action taken against the notary. 895

Sec. 147.06. Upon application, the ~~clerk of the court of~~ 896
~~common pleas~~ secretary of state shall make a certified copy of a 897
notary public commission and the endorsements on the commission, 898
~~under the seal of the court.~~ The certified copy shall be prima- 899
facie evidence of the matters and facts contained in it. For 900
each certified copy of a notary public commission, the ~~clerk~~ 901
secretary of state shall be entitled to receive a fee of ~~two~~ 902
five dollars. 903

Sec. 147.07. A notary public may, throughout the state, 904
administer oaths required or authorized by law, take and certify 905
depositions, and take and certify acknowledgments of deeds, 906

mortgages, liens, powers of attorney, and other instruments of 907
writing, ~~and receive, make, and record notarial protests.~~ In 908
taking depositions, ~~he~~ a notary public shall have the power that 909
is by law vested in judges of county courts to compel the 910
attendance of witnesses and punish them for refusing to testify. 911
Sheriffs and constables are required to serve and return all 912
process issued by notaries public in the taking of depositions. 913

Sec. 147.08. (A) A notary public is entitled to the 914
following fees: 915

~~(A) For the protest of a bill of exchange or promissory 916
note, one dollar and actual necessary expenses in going beyond 917
the corporate limits of a municipal corporation to make 918
presentment or demand; 919~~

~~(B) For recording an instrument required to be recorded by 920
a notary public, ten cents for each one hundred words; 921~~

~~(C) For taking and certifying acknowledgments of deeds, 922
mortgages, liens, powers of attorney, and other instruments of 923
writing, and for taking and certifying depositions, 924
administering oaths, and other official services, the same fees 925
as are allowed by section 2319.27 of the Revised Code or by law 926
to clerks of the courts of common pleas for like services; 927~~

~~(D) For taking and certifying an affidavit, one dollar and 928
fifty cents. 929~~

(1) Up to five dollars for any notarial act that is not an 930
online notarization; 931

(2) For an online notarization, up to twenty-five dollars. 932

(B) A notary charging the fee authorized under division 933
(A) (2) of this section shall not also charge the fee authorized 934

under division (A) (1) of this section. 935

(C) The fees charged under division (A) of this section 936
shall not be calculated on a per signature basis. 937

(D) In addition to the fees authorized under division (A) 938
of this section, a notary may charge a reasonable travel fee, as 939
agreed to by the notary and the principal prior to the notarial 940
act. 941

(E) The secretary of state may adopt rules under Chapter 942
119. of the Revised Code to increase the fees authorized under 943
this section. 944

Sec. 147.13. A notary public who charges or receives for 945
an act or service done or rendered by the notary public a fee 946
greater than the amount prescribed by law, or who dishonestly or 947
unfaithfully discharges any official duties as notary public, 948
shall be removed from office by the ~~court of common pleas of the~~ 949
~~county in which the notary public resides~~ secretary of state, 950
upon complaint filed and substantiated ~~in the court.~~ ~~The court~~ 951
~~shall certify the removal to~~ by the secretary of state. The 952
person so removed shall be ineligible for reappointment to the 953
office of notary public. 954

Sec. 147.14. No notary public shall certify to the 955
affidavit of a person without administering the appropriate oath 956
or affirmation to the person. A notary public who violates this 957
section shall be removed from office by the ~~court of common~~ 958
~~pleas of the county in which a conviction for a violation of~~ 959
~~this section is had.~~ ~~The court shall certify the removal to the~~ 960
secretary of state. The person so removed shall be ineligible to 961
reappointment for a period of three years. 962

Sec. 147.141. (A) A notary public shall not do any of the 963

<u>following:</u>	964
<u>(1) Perform a notarial act with regard to a record or document executed by the notary;</u>	965 966
<u>(2) Notarize the notary's own signature;</u>	967
<u>(3) Take the notary's own deposition;</u>	968
<u>(4) Perform a notarial act if the notary has a conflict of interest with regard to the transaction in question;</u>	969 970
<u>(5) Certify that a document is either of the following:</u>	971
<u>(a) An original document;</u>	972
<u>(b) A true copy of another record.</u>	973
<u>(6) Use a name or initial in signing certificates other than that by which the notary public is commissioned;</u>	974 975
<u>(7) Sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits the notary's ability to make a written signature and unless the notary has first submitted written notice to the secretary of state with an example of the facsimile signature stamp;</u>	976 977 978 979 980 981
<u>(8) Affix the notary's signature to a blank form of an affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment;</u>	982 983 984 985
<u>(9) Take the acknowledgment of, or administer an oath or affirmation to, a person who the notary public knows to have been adjudicated mentally incompetent by a court of competent jurisdiction, if the acknowledgment or oath or affirmation necessitates the exercise of a right that has been removed;</u>	986 987 988 989 990

- (10) Notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization; 991
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993
- (11) Alter anything in a written instrument after it has been signed by anyone; 994
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- (12) Amend or alter a notarial certificate after the notarization is complete; 996
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- (13) Notarize a signature on a document if the document is incomplete or blank; 998
999
- (14) Notarize a signature on a document if it appears that the signer may be unduly influenced or coerced so as to be restricted from or compromised in exercising the person's own free will when signing the document; 1000
1001
1002
1003
- (15) Take an acknowledgment of execution in lieu of an oath or affirmation if an oath or affirmation is required; 1004
1005
- (16) Determine the validity of a power of attorney document or any other form designating a representative capacity, such as trustee, authorized officer, agent, personal representative, or guardian, unless that notary is an attorney licensed to practice law in this state. 1006
1007
1008
1009
1010
- (B) Division (A) (5) of this section shall not be construed as prohibiting a notary from notarizing the signature of a holder of a document on a written statement certifying that the document is a true copy of an original document. 1011
1012
1013
1014
- (C) As used in this section, "conflict of interest" means either of the following: 1015
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- (1) The notary has a direct financial or other interest in the transaction in question, excluding the fees authorized under 1017
1018

this chapter. 1019

(2) The notary is named, individually or as a grantor, 1020
grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, 1021
vendor, lessor, or lessee, or as a party in some other capacity 1022
to the transaction. 1023

Sec. 147.142. (A) A notary public who is not a licensed 1024
attorney in this state shall not represent or advertise himself 1025
or herself as an immigration consultant or an expert in 1026
immigration matters. 1027

(B) A notary public who is not a licensed attorney in this 1028
state shall not do any of the following: 1029

(1) Provide any service that constitutes the unauthorized 1030
practice of law in violation of section 4705.07 of the Revised 1031
Code; 1032

(2) State or imply that the notary is an attorney licensed 1033
to practice law in this state; 1034

(3) Solicit or accept compensation to prepare documents 1035
for or otherwise represent the interest of another person in a 1036
judicial or administrative proceeding, including a proceeding 1037
relating to immigration to the United States, United States 1038
citizenship, or related matters; 1039

(4) Solicit or accept compensation to obtain relief of any 1040
kind on behalf of another from any officer, agency, or employee 1041
of this state or of the United States; 1042

(5) Use the phrase "notario" or "notario publico" to 1043
advertise the services of a notary public, whether by sign, 1044
pamphlet, stationery, or other written communication, or by 1045
radio, television, or other non-written communication. 1046

Sec. 147.37. ~~Each person receiving a commission as notary public, including an attorney admitted to the practice of law in this state by the Ohio supreme court, shall pay~~ (A) The secretary of state shall establish a fee of fifteen not more than one hundred fifty dollars to the secretary of state be paid by each person receiving a commission as notary public.

(B) The notary public shall remit the fee to the authorized entity that administered the educational program and test required by section 147.021 of the Revised Code. The notary public shall remit to the secretary of state the portion of that fee specified pursuant to division (C) (2) of this section.

(C) The secretary of state shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:

(1) Establish the amount of the fee authorized by division (A) of this section;

(2) Establish the portion of the fee, not to exceed fifteen dollars, that the notary public is required to remit to the secretary of state;

(3) Establish the portion of the fee that a notary who is an attorney shall remit to the entity that administered the educational program.

Sec. 147.371. (A) Upon receipt of a fee of two dollars and an affidavit that the original commission of a notary public has been lost or destroyed, a duplicate commission as notary public shall be issued by the secretary of state.

(B) Upon receipt of a fee of two dollars and the properly completed, prescribed form for a name and address change under division ~~(C)~~ (B) of section 147.05 of the Revised Code, the

secretary of state shall issue a duplicate commission as a 1076
notary public. 1077

Sec. 147.51. For the purposes of sections 147.51 to 147.58 1078
of the Revised Code, "notarial acts" means acts which the laws 1079
and regulations of this state authorize notaries public of this 1080
state to perform, including the administration of oaths and 1081
affirmations, taking proof of execution and acknowledgment of 1082
instruments, ~~and~~ attesting documents, and executing a jurat. 1083

Notarial acts may be performed outside this state for use 1084
in this state with the same effect as if performed by a notary 1085
public of this state by the following persons authorized 1086
pursuant to the laws and regulations of other governments, in 1087
addition to any other persons authorized by the laws and 1088
regulations of this state: 1089

(A) A notary public authorized to perform notarial acts in 1090
the place in which the act is performed; 1091

(B) A judge, clerk, or deputy clerk of any court of record 1092
in the place in which the notarial act is performed; 1093

(C) An officer of the foreign service of the United 1094
States, a consular agent, or any other person authorized by 1095
regulation of the United States department of state to perform 1096
notarial acts in the place in which the act is performed; 1097

(D) A commissioned officer in active service with the 1098
armed forces of the United States and any other person 1099
authorized by regulation of the armed forces to perform notarial 1100
acts if the notarial act is performed for one of the following 1101
or ~~his dependents~~ for a dependent of one of the following: 1102

(1) A member of the merchant-seaman marines of the United 1103
States; 1104

- (2) A member of the armed forces of the United States; 1105
- (3) Any other person serving with or accompanying the 1106
armed forces of the United States~~r~~. 1107
- (E) Any other person authorized to perform notarial acts 1108
in the place in which the act is performed. 1109
- Sec. 147.542. (A) A notary public shall provide a _ 1110
completed notarial certificate for every notarial act the notary 1111
public performs. 1112
- (B) For an acknowledgment and a jurat, the corresponding 1113
notarial certificate shall indicate the type of notarization 1114
being performed. 1115
- (C) If a notarial certificate incorrectly indicates the 1116
type of notarization performed, the notary public shall provide 1117
a correct certificate at no charge to the person signing in 1118
question. 1119
- (D) (1) An acknowledgment certificate shall clearly state 1120
that no oath or affirmation was administered to the signer with 1121
regard to the notarial act. 1122
- (2) A jurat certificate shall clearly state that an oath _ 1123
or affirmation was administered to the signer with regard to the 1124
notarial act. 1125
- (E) (1) A notary public shall not use an acknowledgment 1126
certificate with regard to a notarial act in which an oath or 1127
affirmation has been administered. 1128
- (2) A notary public shall not use a jurat certificate with 1129
regard to a notarial act in which an oath or affirmation has not 1130
been administered. 1131

<u>(F) A certificate required under this section may be</u>	1132
<u>provided through any of the following means:</u>	1133
<u>(1) Preprinting on a notarial document;</u>	1134
<u>(2) Ink stamp;</u>	1135
<u>(3) Handwritten note;</u>	1136
<u>(4) A separate, attached document.</u>	1137
<u>(G) A notarial certificate shall show all of the following</u>	1138
<u>information:</u>	1139
<u>(1) The state and county venue where the notarization is</u>	1140
<u>being performed;</u>	1141
<u>(2) The wording of the acknowledgment or jurat in</u>	1142
<u>question;</u>	1143
<u>(3) The date on which the notarial act was performed;</u>	1144
<u>(4) The signature of the notary, exactly as shown on the</u>	1145
<u>notary's commission;</u>	1146
<u>(5) The notary's printed name, displayed below the</u>	1147
<u>notary's signature or inked stamp;</u>	1148
<u>(6) The notary's notarial seal and commission expiration</u>	1149
<u>date;</u>	1150
<u>(7) If an electronic document was signed in the physical</u>	1151
<u>presence of a notary and notarized pursuant to section 147.591</u>	1152
<u>of the Revised Code, or if an online notarization was performed</u>	1153
<u>pursuant to sections 147.60 to 147.66 of the Revised Code, the</u>	1154
<u>certificate shall include a statement to that effect.</u>	1155
<u>(H) A notary public may explain to a signer the difference</u>	1156
<u>between an acknowledgment and a jurat, but shall not, unless</u>	1157

that notary is an attorney, advise the person on the type of 1158
notarial act that best suits a situation. 1159

Sec. 147.55. ~~The~~ Notwithstanding section 147.542 of the 1160
Revised Code, the forms of acknowledgment set forth in this 1161
section may be used and are sufficient for their respective 1162
purposes under any section of the Revised Code. The forms shall 1163
be known as "statutory short forms of acknowledgment" and may be 1164
referred to by that name. The authorization of the forms in this 1165
section does not preclude the use of other forms. 1166

"(A) For an individual acting in ~~his~~ the individual's own 1167
right: 1168

"State of 1169

County of 1170

The foregoing instrument was acknowledged before me this 1171
(date) by (name of person ~~acknowledged,~~ acknowledging). 1172

(Signature of person taking acknowledgment) 1173

(Title or rank) 1174

~~(Serial number, if any)"~~ 1175

(B) "For a corporation: 1176

"State of 1177

County of 1178

The foregoing instrument was acknowledged before me this 1179
(date) by (name of officer or agent, title of officer or agent) 1180
of (name of corporation acknowledging), a (state or place of 1181
incorporation) corporation, on behalf of the corporation. 1182

(Signature of person taking acknowledgment) 1183

(Title or rank)	1184
{Serial number, if any}"	1185
(C) "For a partnership:	1186
"State of	1187
County of	1188
The foregoing instrument was acknowledged before me this	1189
(date) by (name of acknowledging partner or agent), partner (or	1190
agent) on behalf of (name of partnership), a partnership.	1191
(Signature of person taking acknowledgment)	1192
(Title or rank)	1193
{Serial number, if any}"	1194
(D) "For an individual acting as principal by an attorney	1195
in fact:	1196
"State of	1197
County of	1198
The foregoing instrument was acknowledged before me this	1199
(date) by (name of attorney in fact) as attorney in fact on	1200
behalf of (name of principal).	1201
(Signature of person taking acknowledgment)	1202
(Title or rank)	1203
{Serial number, if any}"	1204
(E) "By any public officer, trustee, or personal	1205
representative:	1206
"State of	1207

County of	1208
The foregoing instrument was acknowledged before me this	1209
(date) by (name and title of position).	1210
(Signature of person taking acknowledgment)	1211
(Title or rank)	1212
(Serial number, if any)"	1213
<u>Sec. 147.551.</u> Notwithstanding section 147.542 of the	1214
<u>Revised Code, a jurat may take the following form:</u>	1215
<u>"State of Ohio</u>	1216
<u>County of</u>	1217
<u>Sworn to or affirmed and subscribed before me by</u>	1218
<u>(signature of person making jurat) this date of (date).</u>	1219
<u>(Signature of notary public administering jurat)</u>	1220
<u>(Affix seal here)</u>	1221
<u>(Title of rank)</u>	1222
<u>(Commission expiration date)"</u>	1223
<u>Sec. 147.59.</u> (A) An individual whose physical	1224
<u>characteristics limit the individual's ability to sign a</u>	1225
<u>document presented for notarization may direct a designated</u>	1226
<u>alternative signer to sign on the individual's behalf, if all of</u>	1227
<u>the following are met:</u>	1228
<u>(1) The individual clearly indicates, through oral,</u>	1229
<u>verbal, physical, electronic, or mechanical means, to the notary</u>	1230
<u>public the individual's intent for the designated alternative</u>	1231
<u>signer to sign the individual's name on the notarial document.</u>	1232

(2) Both the individual and the designated alternative signer provide satisfactory identification to the notary public. 1233
1234

(3) The designated alternative signer signs the document in the presence of the notary public. 1235
1236

(4) The designated alternative signer is not named in the document. 1237
1238

(5) The notarial certificate provided to the individual gives the name of the designated alternative signer and states that the document was signed under this section at the direction of the individual. 1239
1240
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(B) An individual may use a designated alternative signer to perform an online notarial act if all of the requirements of division (A) of this section are met. 1243
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Sec. 147.591. (A) As used in this section, "electronic document," "electronic seal," "electronic signature," and "online notarization" have the same meanings as in section 147.60 of the Revised Code. 1246
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(B) (1) An electronic document that is signed in the physical presence of the notary public with an electronic signature and notarized with an electronic seal shall be considered an original document. 1250
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(2) Notwithstanding any other provision of the Revised Code to the contrary, a printed copy of a document executed electronically by the parties and acknowledged or sworn before a notary acting pursuant to this section shall be accepted by county auditors, engineers, and recorders for purposes of approval, transfer, and recording to the same extent as any other document that is submitted by an electronic recording method and shall not be rejected solely by reason of containing 1254
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electronic signatures or an electronic notarization, including 1262
an online notarization, if that document contains the 1263
certificate required under division (G) of section 147.542 of 1264
the Revised Code, including the notification required under 1265
division (G) (7) of that section. 1266

(C) Any notary public may obtain an electronic seal and an 1267
electronic signature for the purposes of notarizing documents 1268
under this section. 1269

(D) A notary public shall comply with the provisions of 1270
section 147.66 of the Revised Code pertaining to the electronic 1271
seal and electronic signature. 1272

Sec. 147.60. As used in this section and sections 147.61 1273
to 147.66 of the Revised Code: 1274

(A) "Appear in person" means being in the same physical 1275
location as another person and being close enough to hear, 1276
communicate with, and exchange tangible identification 1277
credentials with that individual. "Appear in person" also means 1278
being in a different location as another person and interacting 1279
with that individual by means of live two-way, audio-video 1280
communication. 1281

(B) "Credential analysis" means a process or service 1282
operating according to standards adopted by the secretary of 1283
state under section 147.62 of the Revised Code through which a 1284
third person affirms the validity of a government-issued 1285
identification credential through review of public and 1286
proprietary data sources. 1287

(C) "Electronic" means relating to technology having 1288
electrical, digital, magnetic, wireless, optical, 1289
electromagnetic, or similar capabilities. 1290

<u>(D) "Electronic document" means information that is</u>	1291
<u>created, generated, sent, communicated, received, or stored in</u>	1292
<u>an electronic medium and is retrievable in perceivable form.</u>	1293
<u>(E) "Electronic seal" means information within a notarized</u>	1294
<u>electronic document to which all of the following apply:</u>	1295
<u>(1) The information confirms the notary public's name,</u>	1296
<u>jurisdiction, and commission expiration date.</u>	1297
<u>(2) The information generally corresponds to the contents,</u>	1298
<u>layout, and format of the notary public's seal for use on paper</u>	1299
<u>documents, as required under section 147.04 of the Revised Code.</u>	1300
<u>(F) "Electronic signature" means an electronic sound,</u>	1301
<u>symbol, or process attached to or logically associated with an</u>	1302
<u>electronic document and executed or adopted by a natural person</u>	1303
<u>with the intent to sign the electronic document.</u>	1304
<u>(G) "Identity proofing" means a process or service</u>	1305
<u>operating according to standards adopted by the secretary of</u>	1306
<u>state under section 147.62 of the Revised Code through which a</u>	1307
<u>third person affirms the identity of a natural person through</u>	1308
<u>the review of personal information from public and proprietary</u>	1309
<u>data sources.</u>	1310
<u>(H) "Notarial act" means the performance of a function</u>	1311
<u>authorized under sections 147.07 and 147.51 of the Revised Code.</u>	1312
<u>"Notarial act" does not include the taking or certifying of</u>	1313
<u>depositions.</u>	1314
<u>(I) "Online notarization" means a notarial act performed</u>	1315
<u>by means of live two-way video and audio conference technology</u>	1316
<u>that conforms to the standards adopted by the secretary of state</u>	1317
<u>under section 147.62 of the Revised Code.</u>	1318

(J) "Online notary public" means a notary public who has 1319
been duly appointed and commissioned under section 147.01 of the 1320
Revised Code and has received authorization by the secretary of 1321
state under section 147.63 of the Revised Code to perform online 1322
notarizations. 1323

(K) "Principal" means a natural person whose electronic 1324
signature is notarized in an online notarization, or the natural 1325
person taking an oath or affirmation from the online notary 1326
public. "Principal" does not include a natural person taking an 1327
oath or giving an affirmation in the capacity of a witness for 1328
the online notarization. 1329

(L) "Remote presentation" means transmission to an online 1330
notary public through live two-way video and audio conference 1331
technology of an image of a government-issued identification 1332
credential that is of sufficient quality to enable the online 1333
notary public to identify the principal seeking the online 1334
notary public's services and to perform credential analysis. 1335

(M) "Territory of the United States" means the United 1336
States, Puerto Rico, the United States Virgin Islands, and any 1337
territory, insular possession, or other location subject to the 1338
jurisdiction of the United States. 1339

Sec. 147.61. Sections 147.60 to 147.66 of the Revised Code 1340
apply to online notarizations and online notaries public. To the 1341
extent that a provision of sections 147.60 to 147.66 of the 1342
Revised Code conflicts with another provision of this chapter or 1343
other applicable law, sections 147.60 to 147.66 of the Revised 1344
Code supersede the provision. 1345

Sec. 147.62. (A) The secretary of state shall adopt rules 1346
under Chapter 119. of the Revised Code necessary to implement, 1347

set, and maintain standards for online notarizations and online 1348
notaries public. Such rules shall address, at a minimum, all of 1349
the following: 1350

(1) The standards, procedures, application forms, and fees 1351
for the authorization of a notary public to act as an online 1352
notary public; 1353

(2) The means of performing online notarizations; 1354

(3) Standards for the technology to be used in online 1355
notarizations; 1356

(4) Standards for remote presentation, credential 1357
analysis, and identity proofing; 1358

(5) Standards for the retention of records relating to 1359
online notarizations; 1360

(6) The modification of forms of notarial certificates for 1361
any notarial act that is an online notarization; 1362

(7) Standards and requirements for the termination of a 1363
notary public's authorization to perform online notarizations. 1364

(B) The office of information technology in the department 1365
of administrative services shall provide assistance to the 1366
secretary of state relating to the equipment, security, and 1367
technological aspects of the standards established under this 1368
section. 1369

Sec. 147.63. (A) A notary public who has been duly 1370
appointed and commissioned under section 147.01 of the Revised 1371
Code, and who is a resident of this state, may apply to the 1372
secretary of state to be authorized to act as an online notary 1373
public during the term of that notary public's commission. A 1374
state resident commissioned as a notary public qualifies to be 1375

an online notary public by paying the fee described in section 1376
147.631 of the Revised Code and submitting to the secretary of 1377
state an application in the form prescribed by the secretary 1378
that demonstrates to the satisfaction of the secretary that the 1379
applicant will comply with the standards adopted in rules under 1380
section 147.62 of the Revised Code and that the applicant is 1381
otherwise qualified to be an online notary. 1382

(B) (1) Before an individual may be authorized to act as an 1383
online notary public, that individual shall successfully 1384
complete a course of instruction approved by the secretary of 1385
state and pass an examination based on the course. The content 1386
of the course shall include notarial rules, procedures, and 1387
ethical obligations pertaining to online notarization contained 1388
in sections 147.60 to 147.66 of the Revised Code or in any other 1389
law or rules of this state. The course may be taken in 1390
conjunction with the educational program required under section 1391
147.021 of the Revised Code for a notary public commission. 1392

(2) The secretary of state shall approve one business 1393
entity comprised of bar associations with statewide scope and 1394
regional presence that have expertise and experience in notary 1395
laws and processes to provide the course and administer the 1396
examination to become an online notary. 1397

(C) The application required under division (A) of this 1398
section shall be transmitted electronically to the secretary of 1399
state and shall include all of the following information: 1400

(1) The applicant's full legal name and official notary 1401
public name to be used in acting as an online notary public; 1402

(2) A description of the technology the applicant intends 1403
to use in performing online notarizations; 1404

- (3) A certification that the applicant will comply with 1405
the rules adopted under section 147.62 of the Revised Code; 1406
- (4) An electronic mail address of the applicant; 1407
- (5) Any decrypting instructions, keys, codes, or software 1408
necessary to enable the application to be read; 1409
- (6) Proof of successful completion of the course and 1410
passage of the examination required under division (B) of this 1411
section; 1412
- (7) A disclosure of any and all license or commission 1413
revocations or other professional disciplinary actions taken 1414
against the applicant; 1415
- (8) Any other information that the secretary of state may 1416
require. 1417
- (D) (1) If the secretary of state is satisfied that an 1418
applicant meets the standards adopted in rules under section 1419
147.62 of the Revised Code, and that the applicant is otherwise 1420
qualified to be an online notary public, then the secretary 1421
shall issue to the applicant a written authorization to perform 1422
online notarizations. 1423
- (2) Except as provided in division (D) (4) of this section, 1424
the authorization shall expire when the notary public's 1425
commission expires or is revoked under section 147.03, 147.031, 1426
or 147.032 of the Revised Code. 1427
- (3) (a) Except as provided in division (D) (5) of this 1428
section, the authorization shall be renewed when the notary 1429
public's commission is renewed. 1430
- (b) An authorization to perform online notarizations that 1431
is set to expire shall not be renewed unless the notary submits 1432

<u>to the secretary of state through the entity authorized in this</u>	1433
<u>section all of the following:</u>	1434
<u>(i) A fee, set by the secretary of state, of not more than</u>	1435
<u>four times the fee prescribed in division (B) (2) of section</u>	1436
<u>147.031 of the Revised Code;</u>	1437
<u>(ii) An application for renewal on a form prescribed by</u>	1438
<u>the secretary;</u>	1439
<u>(iii) Evidence of having completed continuing education,</u>	1440
<u>as required under division (G) of this section.</u>	1441
<u>(c) If a notary public's online notarization authorization</u>	1442
<u>expires before the notary submits the application for renewal,</u>	1443
<u>the secretary of state shall not renew that expired</u>	1444
<u>authorization but shall permit that person to apply for a new</u>	1445
<u>online notarization authorization.</u>	1446
<u>(4) An authorization to perform online notarizations</u>	1447
<u>granted to an attorney admitted to the practice of law in this</u>	1448
<u>state by the Ohio supreme court shall expire on the earlier of</u>	1449
<u>five years after the date the authorization is granted or when</u>	1450
<u>the attorney's term of office as a notary public ends.</u>	1451
<u>(5) An attorney authorized to perform online notarizations</u>	1452
<u>may apply to renew the attorney's authorization three months</u>	1453
<u>prior to the authorization's expiration date.</u>	1454
<u>(6) (a) The secretary may deny an application for an online</u>	1455
<u>notary public if any of the required information is missing or</u>	1456
<u>incorrect on the application form.</u>	1457
<u>(b) The secretary may also deny an application if the</u>	1458
<u>technology the applicant identifies pursuant to division (C) (2)</u>	1459
<u>of this section does not conform to the standards developed by</u>	1460

the secretary pursuant to section 147.62 of the Revised Code. 1461

(E) Nothing in this section shall be construed as 1462
prohibiting an online notary public from receiving, installing, 1463
and utilizing a software update to the technology that the 1464
online notary public disclosed pursuant to division (C) (2) of 1465
this section if that software update does not result in a 1466
technology that is materially different from the technology that 1467
the online notary public disclosed pursuant to division (C) (2) 1468
of this section. 1469

(F) (1) If a notary public changes either the hardware or 1470
the software that the notary intends to use to carry out online 1471
notarizations, then the notary shall inform the secretary of 1472
this intent on a form prescribed by the secretary. 1473

(2) If the secretary determines that the new hardware or 1474
software does not meet the standards prescribed in rules under 1475
section 147.62 of the Revised Code, then the secretary may 1476
suspend or revoke the notary's authority to perform online 1477
notarizations. 1478

(G) (1) The secretary of state shall not renew an online 1479
notarization authorization unless the applicant has completed 1480
continuing education as required under rules adopted pursuant to 1481
division (G) (2) of this section. 1482

(2) The secretary shall adopt rules in accordance with 1483
Chapter 119. of the Revised Code related to continuing education 1484
requirements for an online notarization authorization. The rules 1485
shall specify the number of hours of continuing education a 1486
notary must complete over the duration of the notary's license 1487
and may specify content to be included in the continuing 1488
education. 1489

Sec. 147.631. (A) (1) The secretary of state may charge a fee for the online notary course of instruction and examination to each person who is registering to be an online notary. 1490
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(2) The secretary shall not charge a fee to a notary obtaining an electronic seal and signature solely for the purpose of conducting notarizations as described in section 147.591 of the Revised Code. 1493
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(B) The notary public taking the online notary course of instruction and the examination shall remit the fee to the authorized entity that administered the online notary course of instruction and examination required by division (B) of section 147.63 of the Revised Code. The notary public shall remit to the secretary of state the portion of that fee specified pursuant to division (C) (2) of this section. 1497
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(C) The secretary of state shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following: 1504
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(1) Establish the amount of the fee authorized by division (A) of this section, which shall not exceed four times the amount of the fee established pursuant to division (C) (1) of section 147.37 of the Revised Code; 1507
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(2) Establish the portion of the fee, not to exceed twenty dollars, that the notary public is required to remit to the secretary of state. 1511
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Sec. 147.64. (A) (1) Except as provided in division (A) (3) of this section, an online notary public has the authority to perform any notarial act as an online notarization. 1514
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(2) An electronic document notarized through an online notarization shall be considered an original document. 1517
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(3) An online notary public shall not take or certify a deposition as an online notarization. 1519
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(B) A notary public of this state who has been authorized by the secretary of state to perform online notarizations may perform online notarizations only if both of the following conditions are met: 1521
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1524

(1) The online notary public is a resident of this state. 1525

(2) The online notary public is located within the geographical boundaries of this state at the time of the online notarization. 1526
1527
1528

(C) (1) A notary public may perform an online notarization by means of audio-video communication in compliance with this act and any other rules adopted by the secretary of state for any principal who is located within the territory of the United States. 1529
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(2) A notary public may perform an online notarization for a principal located outside the territory of the United States only if both of the following conditions are met: 1534
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(a) The act is not known by the notary public to be prohibited in the jurisdiction in which the principal is physically located at the time of the act. 1537
1538
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(b) The record meets any of the following: 1540

(i) Is part of, or pertains to, a matter that is to be filed with or is before a court, governmental entity, or other entity located in the territorial jurisdiction of the United States; 1541
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(ii) Involves real or personal property located in the territorial jurisdiction of the United States; 1545
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(iii) Is part of, or pertains to, a transaction 1547
substantially connected with the United States. 1548

(D) If an online notarization requires a principal to 1549
appear before an online notary public, the principal shall 1550
appear in person before the notary public and the principal and 1551
the notary public shall each sign the record with an electronic 1552
signature. 1553

(E) (1) In performing an online notarization, a notary 1554
public shall determine from personal knowledge or satisfactory 1555
evidence of identity as described in division (E) (2) of this 1556
section that the principal appearing before the notary by means 1557
of live audio-video communication is the individual that he or 1558
she purports to be. 1559

(2) A notary public has satisfactory evidence of identity 1560
if the notary can identify the individual who appears in person 1561
before the notary by means of audio-video communication based on 1562
either of the following: 1563

(a) All of the following: 1564

(i) Remote presentation by the principal of a government- 1565
issued identification credential, including a passport or 1566
driver's license, that contains the signature and photograph of 1567
the principal; 1568

(ii) Credential analysis of the identification credentials 1569
provided; 1570

(iii) Identity proofing of the principal. 1571

(b) Verification by one or more credible witnesses who 1572
appear in person before the notary and who can be identified by 1573
either personal knowledge or all of the following: 1574

- (i) Presentation of a government-issued identification credential, including a passport or driver's license, that contains the signature and photograph of the witness; 1575
1576
1577
- (ii) Credential analysis of the identification credentials provided; 1578
1579
- (iii) Identity proofing of the witness. 1580
- (F) The secretary of state shall include in rules adopted under section 147.62 of the Revised Code modified forms of notarial certificates for any notarial act that is an online notarization. 1581
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1584
- Sec. 147.65.** (A) An online notary public shall maintain one or more electronic journals in which the online notary public records, in chronological order, all online notarizations that the online notary public performs. The electronic journal shall enable access by a password or other secure means of authentication and be in a tamper-evident electronic format complying with the rules of the secretary of state adopted under section 147.62 of the Revised Code. 1585
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- (B) For every online notarization, the online notary public shall record the following information in the electronic journal: 1593
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- (1) The date and time of the notarial act; 1596
- (2) The type of notarial act; 1597
- (3) The title or a description of the record being notarized, if any; 1598
1599
- (4) The electronic signature of each principal; 1600
- (5) The printed full name and address of each principal; 1601

- (6) If identification of the principal is based on personal knowledge, a statement to that effect; 1602
1603
- (7) If identification of the principal is based on satisfactory evidence of identity pursuant to division (E) (2) of section 147.64 of the Revised Code, a description of the evidence relied upon, including the date of issuance or expiration of any identification credential presented; 1604
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- (8) If identification of the principal is based on a credible witness or witnesses, the name of the witness or witnesses; 1609
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- (9) If the notarization was not performed at the online notary public's business address, the address where the notarization was performed; 1612
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- (10) A description of the online notarization system used; 1615
- (11) The fee, if any, charged by the notary; 1616
- (12) The name of the jurisdiction in which the principal was located at the time of the online notarization; 1617
1618
- (13) The recording upon which the identification of the principal is based, as required under division (D) (3) of this section; 1619
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- (14) Any other information required by the secretary of state. 1622
1623
- (C) An online notary public shall not record a social security number in the electronic journal. 1624
1625
- (D) An online notary public shall do all of the following: 1626
- (1) Take reasonable steps to ensure the integrity, security, and authenticity of online notarizations; 1627
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(2) Take reasonable steps to ensure that the two-way, audio-video communication used in an online notarization is secure from unauthorized interception; 1629
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(3) Create and maintain pursuant to this section a complete recording of the audio-video communication that is the basis for identification of a principal for each online notarization; 1632
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(4) Maintain a backup for the electronic journal required by division (A) of this section and the audio-video recordings required by division (D) (3) of this section; 1636
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(5) (a) Safeguard the electronic journal and all other notarial records by doing all of the following: 1639
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(i) Not allowing the electronic journal to be used by another notary; 1641
1642

(ii) Creating the audio-video recording required under division (D) (3) of this section in a tamper-evident electronic format complying with the rules of the secretary of state adopted under section 147.62 of the Revised Code; 1643
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(iii) Protecting the electronic journal and audio-video recordings from unauthorized use. 1647
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(b) An online notary public may use a third party to keep and store the electronic journal. The secretary of state shall adopt, in rules under Chapter 119. of the Revised Code, standards pertaining to the use of such a third party. 1649
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(6) Surrender or destroy the electronic journal and all other notarial records only by rule of law, by court order, or at the direction of the secretary of state; 1653
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(7) Not surrender the electronic journal to an employer 1656

upon termination of employment. 1657

(E) (1) An employer shall not retain the electronic journal of an employee who is an online notary public when the notary's employment ceases. 1658
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(2) Notwithstanding division (E) (1) of this section, an online notary public may make an agreement with a current or former employer pursuant to division (D) (5) (b) of this section. 1661
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(3) An online notary public may use any current or former employer approved as a repository by the secretary of state to meet all applicable repository requirements of this section or section 147.66 of the Revised Code and any associated rules. 1664
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(F) (1) Except as provided in division (E) of section 147.66 of the Revised Code, an electronic journal required under division (A) of this section and the audio-video recordings required by division (D) (3) of this section shall be maintained by the online notary public during the term of the online notary public's authorization to perform online notarizations. 1668
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(2) Upon the expiration, pursuant to division (D) of section 147.63 of the Revised Code, of the notary public's authorization to conduct online notarizations, the online notary public shall transmit the electronic journal to the secretary of state or to a repository approved by the secretary of state. The secretary of state or repository shall maintain the electronic journal for a period of ten years. If the electronic journal is transmitted to a repository, the online notary public shall inform the secretary of state where the journal is located during this period. 1674
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(3) If the notary public renews the notary public's authorization to conduct online notarizations pursuant to 1684
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division (D) of section 147.63 of the Revised Code, the notary public shall, beginning on the date the renewal is effective, maintain a new electronic journal in accordance with this section. 1686
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(G) (1) Except as provided in divisions (G) (2) and (3) of this section, any person may inspect or request a copy of an entry or entries in the online notary public's journal, provided that all of the following are met: 1690
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(a) The person specifies the month, year, type of record, and name of the principal for the notarial act, in a signed tangible or electronic request. 1694
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(b) The notary does not surrender possession or control of the journal. 1697
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(c) The person is shown or given a copy of only the entry or entries specified. 1699
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(d) A separate new entry is made in the journal, explaining the circumstances of the request and noting any related act of copy certification by the online notary public. 1701
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(2) Notwithstanding division (A) (5) of section 147.141 of the Revised Code, an online notary public may certify copies made from the online notary public's electronic journal. 1704
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(3) An online notary public who has a reasonable and explainable belief that a person requesting information from the notary's journal has a criminal or other inappropriate purpose may deny access to any entry or entries. 1707
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(4) An attorney authorized to conduct online notarizations shall only allow inspection, or provide copies, of an entry or entries in the attorney's journal if the requesting party was a 1711
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principal in the transaction or transactions to which the 1714
journal entry or entries apply or if the requesting party is 1715
acting on a principal's behalf. An attorney may deny a request 1716
to inspect or receive copies of a journal entry based on 1717
attorney-client privilege. 1718

(5) The secretary of state, or a repository approved by 1719
the secretary of state, shall only allow inspection, or provide 1720
copies of, an entry or entries in a journal deposited with the 1721
secretary or the repository by an attorney authorized to conduct 1722
online notarizations if the requesting party was a principal in 1723
the transaction or transactions to which the journal entry or 1724
entries apply or if the requesting party is acting on a 1725
principal's behalf. 1726

(H) (1) The journal may be examined and copied without 1727
restriction by a law enforcement officer, as defined in section 1728
2901.01 of the Revised Code, in the course of an official 1729
investigation, subpoenaed by court order, or surrendered at the 1730
direction of the secretary of state. 1731

(2) Notwithstanding division (H) (1) of this section, an 1732
attorney authorized to conduct online notarizations may object 1733
to the examination, or copying, of the attorney's journal 1734
pursuant to division (H) (1) of this section based on attorney- 1735
client privilege. 1736

Sec. 147.66. (A) An online notary public shall take 1737
reasonable steps to ensure that any device or software used to 1738
create an official electronic signature is current and has not 1739
been recalled or declared vulnerable by the device or software's 1740
manufacturer, seller, or developer. 1741

(B) (1) An online notary public shall do both of the 1742

following: 1743

(a) Except as provided in division (D) (5) (b) of section 1744
147.65 of the Revised Code, keep the online notary public's 1745
electronic journal, official electronic signature, and 1746
electronic seal secure and under the online notary public's 1747
exclusive control; 1748

(b) Use the online notary public's official electronic 1749
signature and electronic seal only for performing online 1750
notarizations or notarizations pursuant to section 147.591 of 1751
the Revised Code. 1752

(2) An online notary public shall not allow another person 1753
to use the online notary public's electronic journal, official 1754
electronic signature, or electronic seal. 1755

(C) (1) A third party keeping and storing electronic 1756
journals for online notaries public pursuant to division (D) (5) 1757
(b) of section 147.65 of the Revised Code shall immediately, 1758
upon discovery, notify the secretary of state, an appropriate 1759
law enforcement agency, and any affected online notaries public 1760
of the unauthorized access, modification, transfer, duplication, 1761
or use of any electronic journals in the third party's 1762
possession or control. 1763

(2) If notice has not already been given pursuant to 1764
division (C) (1) of this section, a third party keeping and 1765
storing electronic journals for online notaries public pursuant 1766
to division (D) (5) (b) of section 147.65 of the Revised Code 1767
shall immediately, upon discovery, notify the secretary of state 1768
and any affected online notaries public of the loss of any 1769
electronic journals in the third party's possession or control. 1770

(3) If notice has not already been given pursuant to 1771

division (C) (1) or (2) of this section, an online notary public 1772
shall immediately, upon discovery, notify an appropriate law 1773
enforcement agency and the secretary of state of the 1774
unauthorized access, modification, transfer, duplication, or use 1775
of the online notary public's electronic journal, official 1776
electronic signature, or electronic seal. 1777

(4) If notice has not already been given pursuant to 1778
division (C) (1), (2), or (3) of this section, an online notary 1779
public shall immediately notify the secretary of state of the 1780
loss of the online notary public's electronic journal, official 1781
electronic signature, or electronic seal. 1782

(D) An online notary public shall attach the online notary 1783
public's electronic signature and electronic seal to the 1784
notarial certificate of an electronic document in a manner that 1785
is capable of independent verification and renders any 1786
subsequent change or modification to the electronic document 1787
evident. 1788

(E) (1) (a) Upon resignation, revocation, or expiration 1789
without renewal of an online notary public commission, the 1790
online notary public shall transmit the electronic journal to 1791
the secretary of state or to a repository approved by the 1792
secretary of state. This requirement does not apply to 1793
electronic journals that, as of the date of the resignation or 1794
expiration, were no longer kept in accordance with division (F) 1795
of section 147.65 of the Revised Code. If the electronic journal 1796
is transmitted to a repository, the online notary public shall 1797
inform the secretary of state where the journal is located 1798
during this period. 1799

(b) Upon death or adjudicated incompetence of a current or 1800
former notary public, the executor or administrator of the 1801

online notary public's estate, the notary's guardian, or any 1802
other person knowingly in possession of the online notary 1803
public's electronic journal, shall transmit the journal to the 1804
secretary of state or to a repository approved by the secretary 1805
of state. 1806

(2) The online notary public, the notary's personal 1807
representative or guardian, or the administrator or the executor 1808
of the notary's estate shall provide access instructions to the 1809
secretary of state for any electronic journal maintained or 1810
stored by the online notary public, upon commission resignation, 1811
revocation, or expiration without renewal, or upon the death or 1812
adjudicated incompetence of the online notary public, if that 1813
person is in possession of such instructions. 1814

(3) The secretary of state or repository receiving a 1815
journal transmitted under division (E) (1) of this section shall 1816
maintain the journal for a period of ten years. 1817

Sec. 2303.20. Under the circumstances described in 1818
sections 2969.21 to 2969.27 of the Revised Code, the clerk of 1819
the court of common pleas shall charge the fees and perform the 1820
other duties specified in those sections. In all other cases, 1821
the clerk shall charge the following fees and no more: 1822

(A) Twenty-five dollars for each cause of action which 1823
shall include the following: 1824

(1) Docketing in all dockets; 1825

(2) Filing necessary documents, noting the filing of the 1826
documents, except subpoena, on the dockets; 1827

(3) Issuing certificate of deposit in foreign writs; 1828

(4) Indexing pending suits and living judgments; 1829

(5) Noting on appearance docket all papers mailed;	1830
(6) Certificate for attorney's fee;	1831
(7) Certificate for stenographer's fee;	1832
(8) Preparing cost bill;	1833
(9) Entering on indictment any plea;	1834
(10) Entering costs on docket and cash book.	1835
(B) Two dollars for taking each undertaking, bond, or recognizance;	1836 1837
(C) Two dollars for issuing each writ, order, or notice, except subpoena;	1838 1839
(D) Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;	1840 1841
(E) Twenty-five dollars for calling a jury in each cause;	1842
(F) Two dollars for each page, for entering on journal, indexing, and posting on any docket;	1843 1844
(G) Three dollars for each execution or transcript of judgment, including indexing;	1845 1846
(H) One dollar for each page, for making complete record, including indexing;	1847 1848
(I) Five dollars for certifying a plat recorded in the county recorder's office;	1849 1850
(J) Five dollars for issuing certificate to receiver or order of reference with oath;	1851 1852
(K) Five dollars for entering satisfaction or partial satisfaction of each lien on record in the county recorder's	1853 1854

office, and the clerk of courts' office;	1855
(L) One dollar for each certificate of fact under seal of the court, to be paid by the party demanding it;	1856 1857
(M) One dollar for taking each affidavit, including certificate and seal;	1858 1859
(N) Two dollars for acknowledging all instruments in writing;	1860 1861
(O) Five dollars for making certificate of judgment;	1862
(P) Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;	1863 1864 1865
(Q) Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;	1866 1867 1868
(R) Five dollars for recording commission of mayor or notary public;	1869 1870
(S) One dollar for issuing any license except the licenses issued pursuant to sections 1533.101, 1533.11, 1533.13, and 1533.32 of the Revised Code;	1871 1872 1873
(T) Fifteen dollars for docketing and indexing each aid in execution or petition to vacate, revive, or modify judgment, including the filing and noting of all necessary documents;	1874 1875 1876
(U) Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;	1877 1878 1879
(V) A commission of two per cent on the first ten thousand dollars and one per cent on all exceeding ten thousand dollars	1880 1881

for receiving and disbursing money, other than costs and fees, 1882
paid to or deposited with the clerk of courts in pursuance of an 1883
order of court or on judgments, including moneys invested by 1884
order of the court and interest earned on them; 1885

(W) Five dollars for numbering, docketing, indexing, and 1886
filing each authenticated or certified copy of the record, or 1887
any portion of an authenticated or certified copy of the record, 1888
of an extra county action or proceeding; 1889

(X) Two dollars for each certificate of divorce, 1890
annulment, or dissolution of marriage to the bureau of vital 1891
statistics; 1892

(Y) Two dollars for each electronic transmission of a 1893
document, plus one dollar for each page of that document. These 1894
fees are to be paid by the party requesting the electronic 1895
transmission. 1896

(Z) One dollar for each page, for copies of pleadings, 1897
process, record, or files, including certificate and seal. 1898

Sec. 4505.11. This section shall also apply to all-purpose 1899
vehicles and off-highway motorcycles as defined in section 1900
4519.01 of the Revised Code. 1901

(A) Each owner of a motor vehicle and each person 1902
mentioned as owner in the last certificate of title, when the 1903
motor vehicle is dismantled, destroyed, or changed in such 1904
manner that it loses its character as a motor vehicle, or 1905
changed in such manner that it is not the motor vehicle 1906
described in the certificate of title, shall surrender the 1907
certificate of title to that motor vehicle to a clerk of a court 1908
of common pleas, and the clerk, with the consent of any holders 1909
of any liens noted on the certificate of title, then shall enter 1910

a cancellation upon the clerk's records and shall notify the registrar of motor vehicles of the cancellation.

Upon the cancellation of a certificate of title in the manner prescribed by this section, any clerk and the registrar of motor vehicles may cancel and destroy all certificates and all memorandum certificates in that chain of title.

(B) (1) If an Ohio certificate of title or salvage certificate of title to a motor vehicle is assigned to a salvage dealer, the dealer is not required to obtain an Ohio certificate of title or a salvage certificate of title to the motor vehicle in the dealer's own name if the dealer dismantles or destroys the motor vehicle, indicates the number of the dealer's motor vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" across the face of the certificate of title or salvage certificate of title, and surrenders the certificate of title or salvage certificate of title to a clerk of a court of common pleas as provided in division (A) of this section. If the salvage dealer retains the motor vehicle for resale, the dealer shall make application for a salvage certificate of title to the motor vehicle in the dealer's own name as provided in division (C) (1) of this section.

(2) At the time any salvage motor vehicle is sold at auction or through a pool, the salvage motor vehicle auction or salvage motor vehicle pool shall give a copy of the salvage certificate of title or a copy of the certificate of title marked "FOR DESTRUCTION" to the purchaser.

(C) (1) When an insurance company declares it economically impractical to repair such a motor vehicle and has paid an agreed price for the purchase of the motor vehicle to any insured or claimant owner, the insurance company shall proceed

as follows: 1941

(a) If an insurance company receives the certificate of 1942
title and the motor vehicle, within thirty business days, the 1943
insurance company shall deliver the certificate of title to a 1944
clerk of a court of common pleas and shall make application for 1945
a salvage certificate of title. This certificate of title, any 1946
supporting power of attorney, or application for a salvage 1947
certificate of title shall be exempt from the requirements of 1948
notarization and verification as described in this chapter and 1949
in section 1337.25 of the Revised Code. 1950

(b) If an insurance company obtains possession of the 1951
motor vehicle and a physical certificate of title was issued for 1952
the vehicle but the insurance company is unable to obtain the 1953
properly endorsed certificate of title for the motor vehicle 1954
within thirty business days following the vehicle's owner or 1955
lienholder's acceptance of the insurance company's payment for 1956
the vehicle, the insurance company may apply to the clerk of a 1957
court of common pleas for a salvage certificate of title without 1958
delivering the certificate of title for the motor vehicle. The 1959
application shall be accompanied by evidence that the insurance 1960
company has paid a total loss claim on the vehicle, a copy of 1961
the written request for the certificate of title from the 1962
insurance company or its designee, and proof that the request 1963
was delivered by a nationally recognized courier service to the 1964
last known address of the owner of the vehicle and any known 1965
lienholder, to obtain the certificate of title. 1966

(c) If an insurance company obtains possession of the 1967
motor vehicle and a physical certificate of title was not issued 1968
for the vehicle, the insurance company may apply to the clerk of 1969
a court of common pleas for a salvage certificate of title 1970

without delivering a certificate of title for the motor vehicle. 1971
The application shall be accompanied by the electronic 1972
certificate of title control number and a properly executed 1973
power of attorney, or other appropriate document, from the owner 1974
of the motor vehicle authorizing the insurance company to apply 1975
for a salvage certificate of title. The application for a 1976
salvage certificate of title shall be exempt from the 1977
requirements of notarization and verification as described in 1978
this chapter and in section 1337.25 of the Revised Code. 1979

(d) Upon receipt of a properly completed application for a 1980
salvage certificate of title as described in division (C) (1) (a), 1981
(b), or (c) or (C) (2) of this section, the clerk shall issue the 1982
salvage certificate of title on a form, prescribed by the 1983
registrar, that shall be easily distinguishable from the 1984
original certificate of title and shall bear the same 1985
information as the original certificate of title except that it 1986
may bear a different number than that of the original 1987
certificate of title. The salvage certificate of title shall 1988
include the following notice in bold lettering: 1989

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 1990

Except as provided in division (C) (3) of this section, the 1991
salvage certificate of title shall be assigned by the insurance 1992
company to a salvage dealer or any other person for use as 1993
evidence of ownership upon the sale or other disposition of the 1994
motor vehicle, and the salvage certificate of title shall be 1995
transferable to any other person. The clerk shall charge a fee 1996
of four dollars for the cost of processing each salvage 1997
certificate of title. 1998

(2) If an insurance company requests that a salvage motor 1999
vehicle auction take possession of a motor vehicle that is the 2000

subject of an insurance claim, and subsequently the insurance 2001
company denies coverage with respect to the motor vehicle or 2002
does not otherwise take ownership of the motor vehicle, the 2003
salvage motor vehicle auction may proceed as follows. After the 2004
salvage motor vehicle auction has possession of the motor 2005
vehicle for forty-five days, it may apply to the clerk of a 2006
court of common pleas for a salvage certificate of title without 2007
delivering the certificate of title for the motor vehicle. The 2008
application shall be accompanied by a copy of the written 2009
request that the vehicle be removed from the facility on the 2010
salvage motor vehicle auction's letterhead, and proof that the 2011
request was delivered by a nationally recognized courier service 2012
to the last known address of the owner of the vehicle and any 2013
known lienholder, requesting that the vehicle be removed from 2014
the facility of the salvage motor vehicle auction. Upon receipt 2015
of a properly completed application, the clerk shall follow the 2016
process as described in division (C) (1) (d) of this section. The 2017
salvage certificate of title so issued shall be free and clear 2018
of all liens. 2019

(3) If an insurance company considers a motor vehicle as 2020
described in division (C) (1) (a), (b), or (c) of this section to 2021
be impossible to restore for highway operation, the insurance 2022
company may assign the certificate of title to the motor vehicle 2023
to a salvage dealer or scrap metal processing facility and send 2024
the assigned certificate of title to the clerk of the court of 2025
common pleas of any county. The insurance company shall mark the 2026
face of the certificate of title "FOR DESTRUCTION" and shall 2027
deliver a photocopy of the certificate of title to the salvage 2028
dealer or scrap metal processing facility for its records. 2029

(4) If an insurance company declares it economically 2030
impractical to repair a motor vehicle, agrees to pay to the 2031

insured or claimant owner an amount in settlement of a claim 2032
against a policy of motor vehicle insurance covering the motor 2033
vehicle, and agrees to permit the insured or claimant owner to 2034
retain possession of the motor vehicle, the insurance company 2035
shall not pay the insured or claimant owner any amount in 2036
settlement of the insurance claim until the owner obtains a 2037
salvage certificate of title to the vehicle and furnishes a copy 2038
of the salvage certificate of title to the insurance company. 2039

(D) When a self-insured organization, rental or leasing 2040
company, or secured creditor becomes the owner of a motor 2041
vehicle that is burned, damaged, or dismantled and is determined 2042
to be economically impractical to repair, the self-insured 2043
organization, rental or leasing company, or secured creditor 2044
shall do one of the following: 2045

(1) Mark the face of the certificate of title to the motor 2046
vehicle "FOR DESTRUCTION" and surrender the certificate of title 2047
to a clerk of a court of common pleas for cancellation as 2048
described in division (A) of this section. The self-insured 2049
organization, rental or leasing company, or secured creditor 2050
then shall deliver the motor vehicle, together with a photocopy 2051
of the certificate of title, to a salvage dealer or scrap metal 2052
processing facility and shall cause the motor vehicle to be 2053
dismantled, flattened, crushed, or destroyed. 2054

(2) Obtain a salvage certificate of title to the motor 2055
vehicle in the name of the self-insured organization, rental or 2056
leasing company, or secured creditor, as provided in division 2057
(C)(1) of this section, and then sell or otherwise dispose of 2058
the motor vehicle. If the motor vehicle is sold, the self- 2059
insured organization, rental or leasing company, or secured 2060
creditor shall obtain a salvage certificate of title to the 2061

motor vehicle in the name of the purchaser from a clerk of a court of common pleas.

(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to a clerk of a court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be presented at the time of inspection, the clerk, upon surrender of the salvage certificate of title, shall issue a certificate of title for a fee prescribed by the registrar. The certificate of title shall be in the same form as the original certificate of title and shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. Every subsequent certificate of title, memorandum certificate of title, or duplicate certificate of title issued for the motor vehicle also shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. The exact location on the face of the certificate of title of the words "REBUILT SALVAGE" shall be determined by the registrar, who shall develop an automated procedure within the automated title processing system to comply with this division. The clerk shall use reasonable care in performing the duties imposed on the clerk by this division in issuing a certificate of title pursuant to this division, but the clerk is not liable for any of the clerk's errors or omissions or those of the clerk's deputies, or the automated title processing system in the performance of those duties. A fee of fifty dollars shall be assessed by the state highway patrol for each

inspection made pursuant to this division and shall be deposited 2093
into the public safety - highway purposes fund established by 2094
section 4501.06 of the Revised Code. 2095

(F) No person shall operate upon the highways in this 2096
state a motor vehicle, title to which is evidenced by a salvage 2097
certificate of title, except to deliver the motor vehicle 2098
pursuant to an appointment for an inspection under this section. 2099

(G) No motor vehicle the certificate of title to which has 2100
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 2101
court of common pleas shall be used for anything except parts 2102
and scrap metal. 2103

(H) (1) Except as otherwise provided in this division, an 2104
owner of a manufactured or mobile home that will be taxed as 2105
real property pursuant to division (B) of section 4503.06 of the 2106
Revised Code shall surrender the certificate of title to the 2107
auditor of the county containing the taxing district in which 2108
the home is located. An owner whose home qualifies for real 2109
property taxation under divisions (B)(1)(a) and (b) of section 2110
4503.06 of the Revised Code shall surrender the certificate 2111
within fifteen days after the home meets the conditions 2112
specified in those divisions. The auditor shall deliver the 2113
certificate of title to the clerk of the court of common pleas 2114
who issued it. 2115

(2) If the certificate of title for a manufactured or 2116
mobile home that is to be taxed as real property is held by a 2117
lienholder, the lienholder shall surrender the certificate of 2118
title to the auditor of the county containing the taxing 2119
district in which the home is located, and the auditor shall 2120
deliver the certificate of title to the clerk of the court of 2121
common pleas who issued it. The lienholder shall surrender the 2122

certificate within thirty days after both of the following have 2123
occurred: 2124

(a) The homeowner has provided written notice to the 2125
lienholder requesting that the certificate of title be 2126
surrendered to the auditor of the county containing the taxing 2127
district in which the home is located. 2128

(b) The homeowner has either paid the lienholder the 2129
remaining balance owed to the lienholder, or, with the 2130
lienholder's consent, executed and delivered to the lienholder a 2131
mortgage on the home and land on which the home is sited in the 2132
amount of the remaining balance owed to the lienholder. 2133

(3) Upon the delivery of a certificate of title by the 2134
county auditor to the clerk, the clerk shall inactivate it and 2135
maintain it in the automated title processing system for a 2136
period of thirty years. 2137

(4) Upon application by the owner of a manufactured or 2138
mobile home that is taxed as real property pursuant to division 2139
(B) of section 4503.06 of the Revised Code and that no longer 2140
satisfies divisions (B) (1) (a) and (b) or divisions (B) (2) (a) and 2141
(b) of that section, the clerk shall reactivate the record of 2142
the certificate of title that was inactivated under division (H) 2143
(3) of this section and shall issue a new certificate of title, 2144
but only if the application contains or has attached to it all 2145
of the following: 2146

(a) An endorsement of the county treasurer that all real 2147
property taxes charged against the home under Title LVII of the 2148
Revised Code and division (B) of section 4503.06 of the Revised 2149
Code for all preceding tax years have been paid; 2150

(b) An endorsement of the county auditor that the home 2151

will be removed from the real property tax list;	2152
(c) Proof that there are no outstanding mortgages or other	2153
liens on the home or, if there are such mortgages or other	2154
liens, that the mortgagee or lienholder has consented to the	2155
reactivation of the certificate of title.	2156
(I) (1) Whoever violates division (F) of this section shall	2157
be fined not more than two thousand dollars, imprisoned not more	2158
than one year, or both.	2159
(2) Whoever violates division (G) of this section shall be	2160
fined not more than one thousand dollars, imprisoned not more	2161
than six months, or both.	2162
Sec. 4735.01. As used in this chapter:	2163
(A) "Real estate broker" includes any person, partnership,	2164
association, limited liability company, limited liability	2165
partnership, or corporation, foreign or domestic, who for	2166
another, whether pursuant to a power of attorney or otherwise,	2167
and who for a fee, commission, or other valuable consideration,	2168
or with the intention, or in the expectation, or upon the	2169
promise of receiving or collecting a fee, commission, or other	2170
valuable consideration does any of the following:	2171
(1) Sells, exchanges, purchases, rents, or leases, or	2172
negotiates the sale, exchange, purchase, rental, or leasing of	2173
any real estate;	2174
(2) Offers, attempts, or agrees to negotiate the sale,	2175
exchange, purchase, rental, or leasing of any real estate;	2176
(3) Lists, or offers, attempts, or agrees to list, or	2177
auctions, or offers, attempts, or agrees to auction, any real	2178
estate;	2179

(4) Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate;	2180 2181
(5) Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants;	2182 2183 2184 2185
(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;	2186 2187 2188
(7) Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate;	2189 2190 2191 2192
(8) Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners;	2193 2194 2195 2196 2197 2198 2199 2200 2201
(9) Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.	2202 2203 2204
(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery	2205 2206 2207 2208

interment rights. 2209

(C) "Real estate salesperson" means any person associated 2210
with a licensed real estate broker to do or to deal in any acts 2211
or transactions set out or comprehended by the definition of a 2212
real estate broker, for compensation or otherwise. 2213

(D) "Institution of higher education" includes all of the 2214
following: 2215

(1) A state institution of higher education, as defined in 2216
section 3345.011 of the Revised Code; 2217

(2) A nonprofit institution issued a certificate of 2218
authorization under Chapter 1713. of the Revised Code; 2219

(3) A private institution exempt from regulation under 2220
Chapter 3332. of the Revised Code, as prescribed in section 2221
3333.046 of the Revised Code. 2222

(4) An institution with a certificate of registration from 2223
the state board of career colleges and schools under Chapter 2224
3332. of the Revised Code that is approved to offer degree 2225
programs in accordance with section 3332.05 of the Revised Code. 2226

(E) "Foreign real estate" means real estate not situated 2227
in this state and any interest in real estate not situated in 2228
this state. 2229

(F) "Foreign real estate dealer" includes any person, 2230
partnership, association, limited liability company, limited 2231
liability partnership, or corporation, foreign or domestic, who 2232
for another, whether pursuant to a power of attorney or 2233
otherwise, and who for a fee, commission, or other valuable 2234
consideration, or with the intention, or in the expectation, or 2235
upon the promise of receiving or collecting a fee, commission, 2236

or other valuable consideration, does or deals in any act or 2237
transaction specified or comprehended in division (A) of this 2238
section with respect to foreign real estate. 2239

(G) "Foreign real estate salesperson" means any person 2240
associated with a licensed foreign real estate dealer to do or 2241
deal in any act or transaction specified or comprehended in 2242
division (A) of this section with respect to foreign real 2243
estate, for compensation or otherwise. 2244

(H) Any person, partnership, association, limited 2245
liability company, limited liability partnership, or 2246
corporation, who, for another, in consideration of compensation, 2247
by fee, commission, salary, or otherwise, or with the intention, 2248
in the expectation, or upon the promise of receiving or 2249
collecting a fee, does, or offers, attempts, or agrees to engage 2250
in, any single act or transaction contained in the definition of 2251
a real estate broker, whether an act is an incidental part of a 2252
transaction, or the entire transaction, shall be constituted a 2253
real estate broker or real estate salesperson under this 2254
chapter. 2255

(I) (1) The terms "real estate broker," "real estate 2256
salesperson," "foreign real estate dealer," and "foreign real 2257
estate salesperson" do not include a person, partnership, 2258
association, limited liability company, limited liability 2259
partnership, or corporation, or the regular employees thereof, 2260
who perform any of the acts or transactions specified or 2261
comprehended in division (A) of this section, whether or not 2262
for, or with the intention, in expectation, or upon the promise 2263
of receiving or collecting a fee, commission, or other valuable 2264
consideration: 2265

(a) With reference to real estate situated in this state 2266

owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it; 2267
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(b) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a bona fide public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other instrument that has been executed in good faith creating a like bona fide fiduciary obligation; 2272
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(c) As a public officer while performing the officer's official duties; 2280
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(d) As an attorney at law in the performance of the attorney's duties; 2282
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(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate; 2284
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(f) As a person who engages in the sale of manufactured homes as defined in division (C) (4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate; 2287
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(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code; 2293
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(h) As an oil and gas land professional in the performance 2296
of the oil and gas land professional's duties, provided the oil 2297
and gas land professional is not engaged in the purchase or sale 2298
of a fee simple absolute interest in oil and gas or other real 2299
estate and the oil and gas land professional complies with 2300
division (A) of section 4735.023 of the Revised Code; 2301

(i) As an oil and gas land professional employed by the 2302
person, partnership, association, limited liability company, 2303
limited liability partnership, or corporation for which the oil 2304
and gas land professional is performing the oil and gas land 2305
professional's duties. 2306

(2) A person, partnership, association, limited liability 2307
company, limited liability partnership, or corporation exempt 2308
under division (I) (1) (a) of this section shall be limited by the 2309
legal interest in the real estate held by that person or entity 2310
to performing any of the acts or transactions specified in or 2311
comprehended by division (A) of this section. 2312

(J) "Disabled licensee" means a person licensed pursuant 2313
to this chapter who is under a severe disability which is of 2314
such a nature as to prevent the person from being able to attend 2315
any instruction lasting at least three hours in duration. 2316

(K) "Division of real estate" may be used interchangeably 2317
with, and for all purposes has the same meaning as, "division of 2318
real estate and professional licensing." 2319

(L) "Superintendent" or "superintendent of real estate" 2320
means the superintendent of the division of real estate and 2321
professional licensing of this state. Whenever the division or 2322
superintendent of real estate is referred to or designated in 2323
any statute, rule, contract, or other document, the reference or 2324

designation shall be deemed to refer to the division or 2325
superintendent of real estate and professional licensing, as the 2326
case may be. 2327

(M) "Inactive license" means the license status in which a 2328
salesperson's license is in the possession of the division, 2329
renewed as required under this chapter or rules adopted under 2330
this chapter, and not associated with a real estate broker. 2331

(N) "Broker's license on deposit" means the license status 2332
in which a broker's license is in the possession of the division 2333
of real estate and professional licensing and renewed as 2334
required under this chapter or rules adopted under this chapter. 2335

(O) "Suspended license" means the license status that 2336
prohibits a licensee from providing services that require a 2337
license under this chapter for a specified interval of time. 2338

(P) "Reactivate" means the process prescribed by the 2339
superintendent of real estate and professional licensing to 2340
remove a license from an inactive, suspended, or broker's 2341
license on deposit status to allow a licensee to provide 2342
services that require a license under this chapter. 2343

(Q) "Revoked" means the license status in which the 2344
license is void and not eligible for reactivation. 2345

(R) "Commercial real estate" means any parcel of real 2346
estate in this state other than real estate containing one to 2347
four residential units. "Commercial real estate" does not 2348
include single-family residential units such as condominiums, 2349
townhouses, manufactured homes, or homes in a subdivision when 2350
sold, leased, or otherwise conveyed on a unit-by-unit basis, 2351
even when those units are a part of a larger building or parcel 2352
of real estate containing more than four residential units. 2353

(S) "Out-of-state commercial broker" includes any person, 2354
partnership, association, limited liability company, limited 2355
liability partnership, or corporation that is licensed to do 2356
business as a real estate broker in a jurisdiction other than 2357
Ohio. 2358

(T) "Out-of-state commercial salesperson" includes any 2359
person affiliated with an out-of-state commercial broker who is 2360
not licensed as a real estate salesperson in Ohio. 2361

(U) "Exclusive right to sell or lease listing agreement" 2362
means an agency agreement between a seller and broker that meets 2363
the requirements of section 4735.55 of the Revised Code and does 2364
both of the following: 2365

(1) Grants the broker the exclusive right to represent the 2366
seller in the sale or lease of the seller's property; 2367

(2) Provides the broker will be compensated if the broker, 2368
the seller, or any other person or entity produces a purchaser 2369
or tenant in accordance with the terms specified in the listing 2370
agreement or if the property is sold or leased during the term 2371
of the listing agreement to anyone other than to specifically 2372
exempted persons or entities. 2373

(V) "Exclusive agency agreement" means an agency agreement 2374
between a seller and broker that meets the requirements of 2375
section 4735.55 of the Revised Code and does both of the 2376
following: 2377

(1) Grants the broker the exclusive right to represent the 2378
seller in the sale or lease of the seller's property; 2379

(2) Provides the broker will be compensated if the broker 2380
or any other person or entity produces a purchaser or tenant in 2381
accordance with the terms specified in the listing agreement or 2382

if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities.

(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property;

(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement.

The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser.

(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another person.

(Y) "Resigned" means the license status in which a license has been voluntarily and permanently surrendered to or is otherwise in the possession of the division of real estate and professional licensing, may not be renewed or reactivated in

accordance with the requirements specified in this chapter or 2412
the rules adopted pursuant to it, and is not associated with a 2413
real estate broker. 2414

(Z) "Bona fide" means made in good faith or without 2415
purpose of circumventing license law. 2416

(AA) "Associate broker" means an individual licensed as a 2417
real estate broker under this chapter who does not function as 2418
the principal broker or a management level licensee. 2419

(BB) "Brokerage" means a corporation, partnership, limited 2420
partnership, association, limited liability company, limited 2421
liability partnership, or sole proprietorship, foreign or 2422
domestic, that has been issued a broker's license. "Brokerage" 2423
includes the affiliated licensees who have been assigned 2424
management duties that include supervision of licensees whose 2425
duties may conflict with those of other affiliated licensees. 2426

(CC) "Credit-eligible course" means a credit or noncredit- 2427
bearing course that is both of the following: 2428

(1) The course is offered by an institution of higher 2429
education. 2430

(2) The course is eligible for academic credit that may be 2431
applied toward the requirements for a degree at the institution 2432
of higher education. 2433

(DD) "Distance education" means courses required by 2434
divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) 2435
and (J) of section 4735.09, and division (A) of section 4735.141 2436
of the Revised Code in which instruction is accomplished through 2437
use of interactive, electronic media and where the teacher and 2438
student are separated by distance or time, or both. 2439

(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter.

(FF) "Management level licensee" means a licensee who is employed by or affiliated with a real estate broker and who has supervisory responsibility over other licensees employed by or affiliated with that real estate broker.

(GG) "Oil and gas land professional" means a person regularly engaged in the preparation and negotiation of agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests, including, but not limited to, oil and gas leases and pipeline easements.

(HH) "Principal broker" means an individual licensed as a real estate broker under this chapter who oversees and directs the operations of the brokerage.

Sec. 4735.023. (A) An oil and gas land professional who is not otherwise permitted to engage in the activities described in division (A) of section 4735.01 of the Revised Code may perform such activities, if the oil and gas land professional does all of the following:

(1) (a) Registers on an annual basis as an oil and gas land professional with the superintendent of real estate by such date specified and on a form approved by the superintendent, which form includes both of the following:

(i) The name and address of the oil and gas land professional;

(ii) Evidence of the oil and gas land professional's membership in good standing in a national, state, or local

professional organization that has been in existence for at 2469
least three years and has, as part of its mission, developed a 2470
set of standards of performance and ethics for oil and gas land 2471
professionals. 2472

(b) Pays an annual fee, established by the superintendent 2473
in an amount not to exceed one hundred dollars, which shall 2474
accompany the registration. 2475

(2) At or prior to first contacting any landowner or other 2476
person with an interest in real estate for the purpose of 2477
engaging in the activities of an oil and gas land professional, 2478
and on a form approved by the superintendent, discloses to the 2479
landowner or other person all of the following: 2480

(a) The oil and gas land professional's name and address 2481
as registered with the superintendent; 2482

(b) That the oil and gas land professional is registered _ 2483
as such with the superintendent and is a member in good standing 2484
in a national, state, or local professional organization that 2485
has been in existence for at least three years and has, as part 2486
of its mission, developed a set of standards of performance and 2487
ethics for oil and gas land professionals; 2488

(c) That the oil and gas land professional is not a 2489
licensed real estate broker or real estate salesperson under 2490
Chapter 4735. of the Revised Code; 2491

(d) That the landowner or other person with an interest in 2492
real estate may seek legal counsel in connection with any 2493
transaction with the oil and gas land professional; 2494

(e) That the oil and gas land professional is not 2495
representing the landowner or other person with an interest in 2496
real estate. 2497

(3) At or prior to entering into any agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests including, but not limited to, oil and gas leases and pipeline easements with any landowner or other person with an interest in real estate, and on a form approved by the superintendent, discloses to the landowner or other person with an interest in real estate all of the following: 2498
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(a) The oil and gas land professional's name and address as registered with the superintendent; 2506
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(b) That the oil and gas land professional is registered as such with the superintendent and a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals; 2508
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(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 2514
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(d) That the landowner or other person may seek legal counsel in connection with any transaction with the oil and gas land professional; 2517
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(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate. 2520
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(B) Any oil and gas land professional who must be registered as such with the superintendent pursuant to this section who ceases to be a member in good standing of an organization described in division (A) (1) (a) (ii) of this section 2523
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shall report the change in membership status to the 2527
superintendent within thirty days of that change. Failure to 2528
report such change in membership status shall result in the 2529
automatic suspension of registration status and subject the 2530
registrant to the penalties for unlicensed activity as found in 2531
section 4735.02 of the Revised Code. 2532

(C) Any oil and gas land professional who fails to 2533
register with the superintendent pursuant to this section is 2534
subject to the penalties for unlicensed activity as found in 2535
section 4735.02 of the Revised Code. 2536

Sec. 4738.021. (A) Every salvage motor vehicle auction and 2537
salvage motor vehicle pool shall do all of the following: 2538

(1) Keep an electronic record of all sales of salvage 2539
motor vehicles and shall include in the record the make, model, 2540
year, vehicle identification number, and the names and addresses 2541
of the purchaser and seller of the salvage motor vehicle. 2542

(2) Obtain from any authorized purchaser of an Ohio 2543
salvage motor vehicle a copy of a driver's license, passport, or 2544
other government-issued identification. Every salvage motor 2545
vehicle auction and salvage motor vehicle pool shall maintain a 2546
copy of this identification for a period of two years. 2547

(3) Obtain from any person who is an authorized purchaser 2548
as defined in division (G) (1) of section 4738.01 of the Revised 2549
Code documented proof of any required license or other 2550
authorization to do business pursuant to this chapter or, for 2551
any person residing in a state, jurisdiction, or country that 2552
does not issue a motor vehicle salvage dealer, junk yard, scrap 2553
metal processing facility, used motor vehicle dealer, salvage 2554
dismantler, or automotive recycler license, a declaration under 2555

penalty of perjury that the authorized purchaser is authorized 2556
to purchase salvage vehicles in that person's state, 2557
jurisdiction, or country. The declaration may be submitted by 2558
the authorized purchaser in electronic or written format. Every 2559
salvage motor vehicle auction and salvage motor vehicle pool 2560
shall maintain a copy of this documentation for a period of two 2561
years. 2562

(4) Obtain from any person who is an authorized purchaser 2563
as defined in division (G) (2) of section 4738.01 of the Revised 2564
Code a declaration under penalty of perjury that the authorized 2565
purchaser is not making a purchase in excess of the applicable 2566
limit identified in that division. The salvage motor vehicle 2567
auction or salvage motor vehicle pool shall maintain that 2568
declaration for a period of two years. The declaration may be 2569
submitted by the authorized purchaser in electronic or written 2570
format. 2571

(5) For any sale of a salvage motor vehicle to a person 2572
residing in another country, stamp the words "FOR EXPORT ONLY" 2573
on both of the following: 2574

(a) The face of the vehicle title so as not to obscure the 2575
name, date, or mileage statement; 2576

(b) In each unused reassignment space on the back of the 2577
title. 2578

The words "FOR EXPORT ONLY" shall be in all capital, black 2579
letters, be at least two inches wide, and be clearly legible. 2580

(B) Every salvage motor vehicle auction and salvage motor 2581
vehicle pool shall submit the information collected pursuant to 2582
division (A) (1) of this section on a monthly basis to ~~a third-~~ 2583
~~party consolidator selected by the registrar of motor vehicles~~ 2584

the department of public safety or a third-party provider 2585
pursuant to a contract with the department and pursuant to the 2586
rules adopted by the ~~registrar~~ department in division (C) of 2587
this section. 2588

(C) (1) ~~Within twelve months after March 23, 2015, the~~ 2589
~~registrar shall contract with an entity approved as a third~~ 2590
~~party data consolidator to the national motor vehicle title~~ 2591
~~information system for the development of~~ The department of 2592
public safety or a third-party provider pursuant to a contract 2593
with the department shall establish a statewide database for the 2594
submission of the information collected pursuant to division (A)
(1) of this section. The system shall be used to maintain an 2595
accurate record of all sales conducted by a salvage motor 2596
vehicle auction or salvage motor vehicle pool. ~~All expenses of~~ 2598
~~this contract shall be paid from the public safety - highway~~ 2599
~~purposes fund created in section 4501.06 of the Revised Code.~~ 2600

(2) The ~~registrar~~ department may adopt any rules pursuant 2601
to Chapter 119. of the Revised Code as necessary to facilitate 2602
the timely submission of the information required pursuant to 2603
this section. 2604

The ~~registrar~~ department shall make the information the 2605
~~registrar~~ department receives under this section available to 2606
any state or local law enforcement agency upon request. 2607

Section 2. That existing sections 109.572, 147.01, 147.03, 2608
147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 2609
147.371, 147.51, 147.55, 2303.20, 4505.11, 4735.01, and 4738.021 2610
and sections 147.02 and 147.09 of the Revised Code are hereby 2611
repealed. 2612

Section 3. (A) The amendments to sections 109.572, 147.01, 2613

147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 2614
147.37, 147.371, 147.51, 147.55, and 2303.20, the enactment of 2615
sections 147.011, 147.021, 147.022, 147.031, 147.032, 147.041, 2616
147.051, 147.141, 147.142, 147.542, 147.551, 147.59, 147.591, 2617
147.60, 147.61, 147.62, 147.63, 147.631, 147.64, 147.65, and 2618
147.66, and the repeal of sections 147.02 and 147.09 of the 2619
Revised Code in this act, other than provisions authorizing the 2620
secretary of state to adopt rules under this act, shall take 2621
effect six months after this act's effective date. 2622

(B) The amendments to section 4738.021 of the Revised Code 2623
in this act shall take effect July 1, 2019. 2624

(C) The amendments to sections 4505.11 and 4735.01 of the 2625
Revised Code made in Sections 1 and 2 of this act and the 2626
enactment of section 4735.023 of the Revised Code made in 2627
Section 1 of this act shall take effect at the earliest time 2628
permitted by law. 2629

Section 4. Beginning on the effective date of this section 2630
and until January 1, 2021, a clerk of court shall not issue a 2631
salvage certificate of title for a motor vehicle under sections 2632
4505.08 and 4505.11 of the Revised Code, or enter any notation 2633
on a certificate of title under those sections, based solely on 2634
information reported by an entity pursuant to 49 U.S.C. 30504 2635
and regulations promulgated under it unless one of the following 2636
applies: 2637

(A) The clerk receives information from the automated 2638
title processing system indicating that a previously issued 2639
certificate of title in this state was a salvage certificate of 2640
title. 2641

(B) The vehicle was previously titled in another state and 2642

the previous certificate of title indicated that the vehicle was 2643
considered or categorized as salvage. 2644

(C) An entity that is authorized under section 4505.11 of 2645
the Revised Code to apply for a salvage certificate of title 2646
applies for a salvage title pursuant to that section. 2647

Section 5. (A) There is hereby created the National Motor 2648
Vehicle Title Information System Utilization Study Committee. 2649

(B) The Committee shall consist of the Director of Public 2650
Safety or the Director's designee who is not the Registrar of 2651
Motor Vehicles and the following members appointed by the 2652
Director: 2653

(1) A representative of the Attorney General's Office; 2654

(2) A representative of the Ohio Automobile Dealers 2655
Association; 2656

(3) A representative of the Ohio Insurance Institute; 2657

(4) A representative of the salvage automobile auction 2658
industry; 2659

(5) A representative of the Ohio Clerks of Court 2660
Association; 2661

(6) A representative of the auto finance industry; 2662

(7) A representative of AAA Ohio Auto Club; 2663

(8) A representative of the National Auto Auction 2664
Association; 2665

(9) A representative of the Ohio Independent Automobile 2666
Dealers Association; 2667

(10) A representative from the salvage dealer industry; 2668

and 2669

(11) Up to two additional stakeholders from organizations 2670
or industries not specified in divisions (B) (1) to (10) of this 2671
section. 2672

(C) The Director shall make all appointments to the 2673
Committee not later than thirty days after the effective date of 2674
this section. Members shall serve without compensation or 2675
reimbursement. 2676

(D) The Director or the Director's designee, who is not 2677
the Registrar of Motor Vehicles, shall serve as chairperson of 2678
the Committee and the Department of Public Safety shall provide 2679
the Committee with any support services as determined necessary 2680
by the Committee. 2681

(E) The Committee shall study the following: 2682

(1) The advantages and disadvantages of utilizing 2683
information reported pursuant to 49 U.S.C. 30504 that is 2684
included within the National Motor Vehicle Title Information 2685
System for making decisions on the issuance of salvage 2686
certificates of title in Ohio; 2687

(2) The accuracy of that information; and 2688

(3) Allowing the public to access this information in the 2689
same manner as motor vehicle title information is accessed under 2690
section 4505.141 of the Revised Code. 2691

As part of the study, the Committee shall evaluate how 2692
other states utilize this information. 2693

(F) Not later than January 31, 2020, the Committee shall 2694
complete its study and submit a report of its findings and any 2695
recommendations to the Governor and the General Assembly in 2696

accordance with section 101.68 of the Revised Code. 2697

(G) Upon submission of its report, the Committee shall 2698

cease to exist. 2699

At ALAW, we're here to help you determine the most effective application of this recent case law. As always, thank you for your continued partnership.

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