

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 263**

**Senators Huffman, Wilson**

**Cosponsors: Senators Terhar, Lehner, Sykes, Hackett, Hottinger, Beagle, Coley,  
Dolan, Hoagland, Kunze, LaRose, Peterson, Schiavoni, Yuko**

---

**A BILL**

To amend sections 109.572, 147.01, 147.03, 147.04, 1  
147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 2  
147.37, 147.371, 147.51, 147.55, and 2303.20, to 3  
enact sections 147.011, 147.021, 147.022, 4  
147.031, 147.032, 147.041, 147.051, 147.141, 5  
147.142, 147.542, 147.551, 147.59, 147.591, 6  
147.60, 147.61, 147.62, 147.63, 147.64, 147.65, 7  
and 147.66, and to repeal sections 147.02 and 8  
147.09 of the Revised Code to enact the Notary 9  
Public Modernization Act. 10

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

**Section 1.** That sections 109.572, 147.01, 147.03, 147.04, 11  
147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 12  
147.51, 147.55, and 2303.20 be amended and sections 147.011, 13  
147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 14  
147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 15  
147.62, 147.63, 147.64, 147.65, and 147.66 of the Revised Code 16  
be enacted to read as follows: 17

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 18

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 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

(c) If the request is made pursuant to section 3319.39 of 49  
the Revised Code for an applicant who is a teacher, any offense 50  
specified in section 3319.31 of the Revised Code. 51

(2) On receipt of a request pursuant to section 3712.09 or 52  
3721.121 of the Revised Code, a completed form prescribed 53  
pursuant to division (C)(1) of this section, and a set of 54  
fingerprint impressions obtained in the manner described in 55  
division (C)(2) of this section, the superintendent of the 56  
bureau of criminal identification and investigation shall 57  
conduct a criminal records check with respect to any person who 58  
has applied for employment in a position for which a criminal 59  
records check is required by those sections. The superintendent 60  
shall conduct the criminal records check in the manner described 61  
in division (B) of this section to determine whether any 62  
information exists that indicates that the person who is the 63  
subject of the request previously has been convicted of or 64  
pleaded guilty to any of the following: 65

(a) A violation of section 2903.01, 2903.02, 2903.03, 66  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 67  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 68  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 69  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 70  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 71  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 72  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 73  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 74

(b) An existing or former law of this state, any other 75  
state, or the United States that is substantially equivalent to 76  
any of the offenses listed in division (A)(2)(a) of this 77  
section. 78

(3) On receipt of a request pursuant to section 173.27, 79  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 80  
5123.081, or 5123.169 of the Revised Code, a completed form 81  
prescribed pursuant to division (C)(1) of this section, and a 82  
set of fingerprint impressions obtained in the manner described 83  
in division (C)(2) of this section, the superintendent of the 84  
bureau of criminal identification and investigation shall 85  
conduct a criminal records check of the person for whom the 86  
request is made. The superintendent shall conduct the criminal 87  
records check in the manner described in division (B) of this 88  
section to determine whether any information exists that 89  
indicates that the person who is the subject of the request 90  
previously has been convicted of, has pleaded guilty to, or 91  
(except in the case of a request pursuant to section 5164.34, 92  
5164.341, or 5164.342 of the Revised Code) has been found 93  
eligible for intervention in lieu of conviction for any of the 94  
following, regardless of the date of the conviction, the date of 95  
entry of the guilty plea, or (except in the case of a request 96  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 97  
Revised Code) the date the person was found eligible for 98  
intervention in lieu of conviction: 99

(a) A violation of section 959.13, 959.131, 2903.01, 100  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 101  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 102  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 103  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 104  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 105  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 106  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 107  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 108  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 109

2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	110
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	111
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	112
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	113
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	114
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	115
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	116
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	117
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	118
(b) Felonious sexual penetration in violation of former	119
section 2907.12 of the Revised Code;	120
(c) A violation of section 2905.04 of the Revised Code as	121
it existed prior to July 1, 1996;	122
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	123
the Revised Code when the underlying offense that is the object	124
of the conspiracy, attempt, or complicity is one of the offenses	125
listed in divisions (A) (3) (a) to (c) of this section;	126
(e) A violation of an existing or former municipal	127
ordinance or law of this state, any other state, or the United	128
States that is substantially equivalent to any of the offenses	129
listed in divisions (A) (3) (a) to (d) of this section.	130
(4) On receipt of a request pursuant to section 2151.86 of	131
the Revised Code, a completed form prescribed pursuant to	132
division (C) (1) of this section, and a set of fingerprint	133
impressions obtained in the manner described in division (C) (2)	134
of this section, the superintendent of the bureau of criminal	135
identification and investigation shall conduct a criminal	136
records check in the manner described in division (B) of this	137
section to determine whether any information exists that	138

indicates that the person who is the subject of the request 139  
previously has been convicted of or pleaded guilty to any of the 140  
following: 141

(a) A violation of section 959.13, 2903.01, 2903.02, 142  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 143  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 144  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 145  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 146  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 147  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 148  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 149  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 150  
2927.12, or 3716.11 of the Revised Code, a violation of section 151  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 152  
a violation of section 2919.23 of the Revised Code that would 153  
have been a violation of section 2905.04 of the Revised Code as 154  
it existed prior to July 1, 1996, had the violation been 155  
committed prior to that date, a violation of section 2925.11 of 156  
the Revised Code that is not a minor drug possession offense, 157  
two or more OVI or OVUAC violations committed within the three 158  
years immediately preceding the submission of the application or 159  
petition that is the basis of the request, or felonious sexual 160  
penetration in violation of former section 2907.12 of the 161  
Revised Code; 162

(b) A violation of an existing or former law of this 163  
state, any other state, or the United States that is 164  
substantially equivalent to any of the offenses listed in 165  
division (A) (4) (a) of this section. 166

(5) Upon receipt of a request pursuant to section 5104.013 167  
of the Revised Code, a completed form prescribed pursuant to 168

division (C) (1) of this section, and a set of fingerprint 169  
impressions obtained in the manner described in division (C) (2) 170  
of this section, the superintendent of the bureau of criminal 171  
identification and investigation shall conduct a criminal 172  
records check in the manner described in division (B) of this 173  
section to determine whether any information exists that 174  
indicates that the person who is the subject of the request has 175  
been convicted of or pleaded guilty to any of the following: 176

(a) A violation of section 2151.421, 2903.01, 2903.02, 177  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 178  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 179  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 180  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 181  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 182  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 183  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 184  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 185  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 186  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 187  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 188  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 189  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 190  
3716.11 of the Revised Code, felonious sexual penetration in 191  
violation of former section 2907.12 of the Revised Code, a 192  
violation of section 2905.04 of the Revised Code as it existed 193  
prior to July 1, 1996, a violation of section 2919.23 of the 194  
Revised Code that would have been a violation of section 2905.04 195  
of the Revised Code as it existed prior to July 1, 1996, had the 196  
violation been committed prior to that date, a violation of 197  
section 2925.11 of the Revised Code that is not a minor drug 198  
possession offense, a violation of section 2923.02 or 2923.03 of 199

the Revised Code that relates to a crime specified in this 200  
division, or a second violation of section 4511.19 of the 201  
Revised Code within five years of the date of application for 202  
licensure or certification. 203

(b) A violation of an existing or former law of this 204  
state, any other state, or the United States that is 205  
substantially equivalent to any of the offenses or violations 206  
described in division (A) (5) (a) of this section. 207

(6) Upon receipt of a request pursuant to section 5153.111 208  
of the Revised Code, a completed form prescribed pursuant to 209  
division (C) (1) of this section, and a set of fingerprint 210  
impressions obtained in the manner described in division (C) (2) 211  
of this section, the superintendent of the bureau of criminal 212  
identification and investigation shall conduct a criminal 213  
records check in the manner described in division (B) of this 214  
section to determine whether any information exists that 215  
indicates that the person who is the subject of the request 216  
previously has been convicted of or pleaded guilty to any of the 217  
following: 218

(a) A violation of section 2903.01, 2903.02, 2903.03, 219  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 220  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 221  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 222  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 223  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 224  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 225  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 226  
Code, felonious sexual penetration in violation of former 227  
section 2907.12 of the Revised Code, a violation of section 228  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 229

a violation of section 2919.23 of the Revised Code that would 230  
have been a violation of section 2905.04 of the Revised Code as 231  
it existed prior to July 1, 1996, had the violation been 232  
committed prior to that date, or a violation of section 2925.11 233  
of the Revised Code that is not a minor drug possession offense; 234

(b) A violation of an existing or former law of this 235  
state, any other state, or the United States that is 236  
substantially equivalent to any of the offenses listed in 237  
division (A) (6) (a) of this section. 238

(7) On receipt of a request for a criminal records check 239  
from an individual pursuant to section 4749.03 or 4749.06 of the 240  
Revised Code, accompanied by a completed copy of the form 241  
prescribed in division (C) (1) of this section and a set of 242  
fingerprint impressions obtained in a manner described in 243  
division (C) (2) of this section, the superintendent of the 244  
bureau of criminal identification and investigation shall 245  
conduct a criminal records check in the manner described in 246  
division (B) of this section to determine whether any 247  
information exists indicating that the person who is the subject 248  
of the request has been convicted of or pleaded guilty to a 249  
felony in this state or in any other state. If the individual 250  
indicates that a firearm will be carried in the course of 251  
business, the superintendent shall require information from the 252  
federal bureau of investigation as described in division (B) (2) 253  
of this section. Subject to division (F) of this section, the 254  
superintendent shall report the findings of the criminal records 255  
check and any information the federal bureau of investigation 256  
provides to the director of public safety. 257

(8) On receipt of a request pursuant to section 1321.37, 258  
1321.53, or 4763.05 of the Revised Code, a completed form 259

prescribed pursuant to division (C)(1) of this section, and a 260  
set of fingerprint impressions obtained in the manner described 261  
in division (C)(2) of this section, the superintendent of the 262  
bureau of criminal identification and investigation shall 263  
conduct a criminal records check with respect to any person who 264  
has applied for a license, permit, or certification from the 265  
department of commerce or a division in the department. The 266  
superintendent shall conduct the criminal records check in the 267  
manner described in division (B) of this section to determine 268  
whether any information exists that indicates that the person 269  
who is the subject of the request previously has been convicted 270  
of or pleaded guilty to any of the following: a violation of 271  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 272  
Revised Code; any other criminal offense involving theft, 273  
receiving stolen property, embezzlement, forgery, fraud, passing 274  
bad checks, money laundering, or drug trafficking, or any 275  
criminal offense involving money or securities, as set forth in 276  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 277  
the Revised Code; or any existing or former law of this state, 278  
any other state, or the United States that is substantially 279  
equivalent to those offenses. 280

(9) On receipt of a request for a criminal records check 281  
from the treasurer of state under section 113.041 of the Revised 282  
Code or from an individual under section 4701.08, 4715.101, 283  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 284  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 285  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 286  
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 287  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 288  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 289  
Code, accompanied by a completed form prescribed under division 290

(C) (1) of this section and a set of fingerprint impressions 291  
obtained in the manner described in division (C) (2) of this 292  
section, the superintendent of the bureau of criminal 293  
identification and investigation shall conduct a criminal 294  
records check in the manner described in division (B) of this 295  
section to determine whether any information exists that 296  
indicates that the person who is the subject of the request has 297  
been convicted of or pleaded guilty to any criminal offense in 298  
this state or any other state. Subject to division (F) of this 299  
section, the superintendent shall send the results of a check 300  
requested under section 113.041 of the Revised Code to the 301  
treasurer of state and shall send the results of a check 302  
requested under any of the other listed sections to the 303  
licensing board specified by the individual in the request. 304

(10) On receipt of a request pursuant to section 1121.23, 305  
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 306  
form prescribed pursuant to division (C) (1) of this section, and 307  
a set of fingerprint impressions obtained in the manner 308  
described in division (C) (2) of this section, the superintendent 309  
of the bureau of criminal identification and investigation shall 310  
conduct a criminal records check in the manner described in 311  
division (B) of this section to determine whether any 312  
information exists that indicates that the person who is the 313  
subject of the request previously has been convicted of or 314  
pleaded guilty to any criminal offense under any existing or 315  
former law of this state, any other state, or the United States. 316

(11) On receipt of a request for a criminal records check 317  
from an appointing or licensing authority under section 3772.07 318  
of the Revised Code, a completed form prescribed under division 319  
(C) (1) of this section, and a set of fingerprint impressions 320  
obtained in the manner prescribed in division (C) (2) of this 321

section, the superintendent of the bureau of criminal 322  
identification and investigation shall conduct a criminal 323  
records check in the manner described in division (B) of this 324  
section to determine whether any information exists that 325  
indicates that the person who is the subject of the request 326  
previously has been convicted of or pleaded guilty or no contest 327  
to any offense under any existing or former law of this state, 328  
any other state, or the United States that is a disqualifying 329  
offense as defined in section 3772.07 of the Revised Code or 330  
substantially equivalent to such an offense. 331

(12) On receipt of a request pursuant to section 2151.33 332  
or 2151.412 of the Revised Code, a completed form prescribed 333  
pursuant to division (C)(1) of this section, and a set of 334  
fingerprint impressions obtained in the manner described in 335  
division (C)(2) of this section, the superintendent of the 336  
bureau of criminal identification and investigation shall 337  
conduct a criminal records check with respect to any person for 338  
whom a criminal records check is required under that section. 339  
The superintendent shall conduct the criminal records check in 340  
the manner described in division (B) of this section to 341  
determine whether any information exists that indicates that the 342  
person who is the subject of the request previously has been 343  
convicted of or pleaded guilty to any of the following: 344

(a) A violation of section 2903.01, 2903.02, 2903.03, 345  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 346  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 347  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 348  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 349  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 350  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 351  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 352

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 353

(b) An existing or former law of this state, any other 354  
state, or the United States that is substantially equivalent to 355  
any of the offenses listed in division (A)(12)(a) of this 356  
section. 357

(13) On receipt of a request pursuant to section 3796.12 358  
of the Revised Code, a completed form prescribed pursuant to 359  
division (C)(1) of this section, and a set of fingerprint 360  
impressions obtained in a manner described in division (C)(2) of 361  
this section, the superintendent of the bureau of criminal 362  
identification and investigation shall conduct a criminal 363  
records check in the manner described in division (B) of this 364  
section to determine whether any information exists that 365  
indicates that the person who is the subject of the request 366  
previously has been convicted of or pleaded guilty to the 367  
following: 368

(a) A disqualifying offense as specified in rules adopted 369  
under division (B)(2)(b) of section 3796.03 of the Revised Code 370  
if the person who is the subject of the request is an 371  
administrator or other person responsible for the daily 372  
operation of, or an owner or prospective owner, officer or 373  
prospective officer, or board member or prospective board member 374  
of, an entity seeking a license from the department of commerce 375  
under Chapter 3796. of the Revised Code; 376

(b) A disqualifying offense as specified in rules adopted 377  
under division (B)(2)(b) of section 3796.04 of the Revised Code 378  
if the person who is the subject of the request is an 379  
administrator or other person responsible for the daily 380  
operation of, or an owner or prospective owner, officer or 381  
prospective officer, or board member or prospective board member 382

of, an entity seeking a license from the state board of pharmacy 383  
under Chapter 3796. of the Revised Code. 384

(14) On receipt of a request required by section 3796.13 385  
of the Revised Code, a completed form prescribed pursuant to 386  
division (C) (1) of this section, and a set of fingerprint 387  
impressions obtained in a manner described in division (C) (2) of 388  
this section, the superintendent of the bureau of criminal 389  
identification and investigation shall conduct a criminal 390  
records check in the manner described in division (B) of this 391  
section to determine whether any information exists that 392  
indicates that the person who is the subject of the request 393  
previously has been convicted of or pleaded guilty to the 394  
following: 395

(a) A disqualifying offense as specified in rules adopted 396  
under division (B) (8) (a) of section 3796.03 of the Revised Code 397  
if the person who is the subject of the request is seeking 398  
employment with an entity licensed by the department of commerce 399  
under Chapter 3796. of the Revised Code; 400

(b) A disqualifying offense as specified in rules adopted 401  
under division (B) (14) (a) of section 3796.04 of the Revised Code 402  
if the person who is the subject of the request is seeking 403  
employment with an entity licensed by the state board of 404  
pharmacy under Chapter 3796. of the Revised Code. 405

(15) On receipt of a request for a criminal records check 406  
under section 147.022 of the Revised Code, a completed form 407  
prescribed under division (C) (1) of this section, and a set of 408  
fingerprint impressions obtained in the manner prescribed in 409  
division (C) (2) of this section, the superintendent of the 410  
bureau of criminal identification and investigation shall 411  
conduct a criminal records check in the manner described in 412

division (B) of this section to determine whether any 413  
information exists that indicates that the person who is the 414  
subject of the request previously has been convicted of or 415  
pleaded guilty or no contest to any disqualifying offense, as 416  
defined in section 147.011 of the Revised Code, or to any 417  
offense under any existing or former law of this state, any 418  
other state, or the United States that is substantially 419  
equivalent to such a disqualifying offense. 420

(B) Subject to division (F) of this section, the 421  
superintendent shall conduct any criminal records check to be 422  
conducted under this section as follows: 423

(1) The superintendent shall review or cause to be 424  
reviewed any relevant information gathered and compiled by the 425  
bureau under division (A) of section 109.57 of the Revised Code 426  
that relates to the person who is the subject of the criminal 427  
records check, including, if the criminal records check was 428  
requested under section 113.041, 121.08, 173.27, 173.38, 429  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 430  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 431  
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 432  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 433  
5153.111 of the Revised Code, any relevant information contained 434  
in records that have been sealed under section 2953.32 of the 435  
Revised Code; 436

(2) If the request received by the superintendent asks for 437  
information from the federal bureau of investigation, the 438  
superintendent shall request from the federal bureau of 439  
investigation any information it has with respect to the person 440  
who is the subject of the criminal records check, including 441  
fingerprint-based checks of national crime information databases 442

as described in 42 U.S.C. 671 if the request is made pursuant to 443  
section 2151.86 or 5104.013 of the Revised Code or if any other 444  
Revised Code section requires fingerprint-based checks of that 445  
nature, and shall review or cause to be reviewed any information 446  
the superintendent receives from that bureau. If a request under 447  
section 3319.39 of the Revised Code asks only for information 448  
from the federal bureau of investigation, the superintendent 449  
shall not conduct the review prescribed by division (B)(1) of 450  
this section. 451

(3) The superintendent or the superintendent's designee 452  
may request criminal history records from other states or the 453  
federal government pursuant to the national crime prevention and 454  
privacy compact set forth in section 109.571 of the Revised 455  
Code. 456

(4) The superintendent shall include in the results of the 457  
criminal records check a list or description of the offenses 458  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 459  
(7), (8), (9), (10), (11), (12), (13), ~~or (14)~~, or (15) of this 460  
section, whichever division requires the superintendent to 461  
conduct the criminal records check. The superintendent shall 462  
exclude from the results any information the dissemination of 463  
which is prohibited by federal law. 464

(5) The superintendent shall send the results of the 465  
criminal records check to the person to whom it is to be sent 466  
not later than the following number of days after the date the 467  
superintendent receives the request for the criminal records 468  
check, the completed form prescribed under division (C)(1) of 469  
this section, and the set of fingerprint impressions obtained in 470  
the manner described in division (C)(2) of this section: 471

(a) If the superintendent is required by division (A) of 472

this section (other than division (A)(3) of this section) to 473  
conduct the criminal records check, thirty; 474

(b) If the superintendent is required by division (A)(3) 475  
of this section to conduct the criminal records check, sixty. 476

(C)(1) The superintendent shall prescribe a form to obtain 477  
the information necessary to conduct a criminal records check 478  
from any person for whom a criminal records check is to be 479  
conducted under this section. The form that the superintendent 480  
prescribes pursuant to this division may be in a tangible 481  
format, in an electronic format, or in both tangible and 482  
electronic formats. 483

(2) The superintendent shall prescribe standard impression 484  
sheets to obtain the fingerprint impressions of any person for 485  
whom a criminal records check is to be conducted under this 486  
section. Any person for whom a records check is to be conducted 487  
under this section shall obtain the fingerprint impressions at a 488  
county sheriff's office, municipal police department, or any 489  
other entity with the ability to make fingerprint impressions on 490  
the standard impression sheets prescribed by the superintendent. 491  
The office, department, or entity may charge the person a 492  
reasonable fee for making the impressions. The standard 493  
impression sheets the superintendent prescribes pursuant to this 494  
division may be in a tangible format, in an electronic format, 495  
or in both tangible and electronic formats. 496

(3) Subject to division (D) of this section, the 497  
superintendent shall prescribe and charge a reasonable fee for 498  
providing a criminal records check under this section. The 499  
person requesting the criminal records check shall pay the fee 500  
prescribed pursuant to this division. In the case of a request 501  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 502

1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 503  
fee shall be paid in the manner specified in that section. 504

(4) The superintendent of the bureau of criminal 505  
identification and investigation may prescribe methods of 506  
forwarding fingerprint impressions and information necessary to 507  
conduct a criminal records check, which methods shall include, 508  
but not be limited to, an electronic method. 509

(D) The results of a criminal records check conducted 510  
under this section, other than a criminal records check 511  
specified in division (A)(7) of this section, are valid for the 512  
person who is the subject of the criminal records check for a 513  
period of one year from the date upon which the superintendent 514  
completes the criminal records check. If during that period the 515  
superintendent receives another request for a criminal records 516  
check to be conducted under this section for that person, the 517  
superintendent shall provide the results from the previous 518  
criminal records check of the person at a lower fee than the fee 519  
prescribed for the initial criminal records check. 520

(E) When the superintendent receives a request for 521  
information from a registered private provider, the 522  
superintendent shall proceed as if the request was received from 523  
a school district board of education under section 3319.39 of 524  
the Revised Code. The superintendent shall apply division (A)(1) 525  
(c) of this section to any such request for an applicant who is 526  
a teacher. 527

(F)(1) Subject to division (F)(2) of this section, all 528  
information regarding the results of a criminal records check 529  
conducted under this section that the superintendent reports or 530  
sends under division (A)(7) or (9) of this section to the 531  
director of public safety, the treasurer of state, or the 532

person, board, or entity that made the request for the criminal 533  
records check shall relate to the conviction of the subject 534  
person, or the subject person's plea of guilty to, a criminal 535  
offense. 536

(2) Division (F)(1) of this section does not limit, 537  
restrict, or preclude the superintendent's release of 538  
information that relates to the arrest of a person who is 539  
eighteen years of age or older, to an adjudication of a child as 540  
a delinquent child, or to a criminal conviction of a person 541  
under eighteen years of age in circumstances in which a release 542  
of that nature is authorized under division (E)(2), (3), or (4) 543  
of section 109.57 of the Revised Code pursuant to a rule adopted 544  
under division (E)(1) of that section. 545

(G) As used in this section: 546

(1) "Criminal records check" means any criminal records 547  
check conducted by the superintendent of the bureau of criminal 548  
identification and investigation in accordance with division (B) 549  
of this section. 550

(2) "Minor drug possession offense" has the same meaning 551  
as in section 2925.01 of the Revised Code. 552

(3) "OVI or OVUAC violation" means a violation of section 553  
4511.19 of the Revised Code or a violation of an existing or 554  
former law of this state, any other state, or the United States 555  
that is substantially equivalent to section 4511.19 of the 556  
Revised Code. 557

(4) "Registered private provider" means a nonpublic school 558  
or entity registered with the superintendent of public 559  
instruction under section 3310.41 of the Revised Code to 560  
participate in the autism scholarship program or section 3310.58 561

of the Revised Code to participate in the Jon Peterson special 562  
needs scholarship program. 563

**Sec. 147.01.** (A) The secretary of state may appoint and 564  
commission as notaries public as many persons who meet the 565  
qualifications of division (B) of this section as the secretary 566  
of state considers necessary. 567

(B) In order for a person to qualify to be appointed and 568  
commissioned as a notary public, the person ~~must satisfy both~~ 569  
shall demonstrate to the secretary of state that the person 570  
satisfies all of the following: 571

(1) The person has attained the age of eighteen years. 572

(2) ~~One of the following applies:~~ 573

(a) ~~The~~ Except as provided in division (B) (2) (b) of this 574  
section, the person is a legal resident of this state who is not 575  
an attorney admitted to the practice of law in this state by the 576  
Ohio supreme court. 577

(b) ~~The person is a legal resident of this state who is an~~ 578  
~~attorney admitted to the practice of law in this state by the~~ 579  
~~Ohio supreme court.~~ 580

~~(c)~~ The person is not a legal resident of this state, but 581  
is an attorney admitted to the practice of law in this state by 582  
the Ohio supreme court, and has the person's principal place of 583  
business or the person's primary practice in this state. 584

(3) (a) Except as provided in division (B) (3) (b) of this 585  
section, the person has submitted a criminal records check 586  
report completed within the preceding six months in accordance 587  
with section 147.022 of the Revised Code demonstrating that the 588  
applicant has not been convicted of or pleaded guilty or no 589

contest to a disqualifying offense, or any offense under an 590  
existing or former law of this state, any other state, or the 591  
United States that is substantially equivalent to such a 592  
disqualifying offense. 593

(b) An attorney admitted to the practice of law in this 594  
state shall not be required to submit a criminal records check 595  
when applying to be appointed a notary public. 596

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 597  
of this section, the person has successfully completed an 598  
educational program and passed a test as required under section 599  
147.021 of the Revised Code. 600

(b) An attorney who is admitted to the practice of law in 601  
this state prior to the effective date of this amendment shall 602  
not be required to complete an education program or pass a test 603  
as required in division (B) (4) (a) of this section. 604

(c) An attorney who is admitted to the practice of law in 605  
this state after the effective date of this amendment shall not 606  
be required to pass a test as required in division (B) (4) (a) of 607  
this section. 608

(C) A notary public shall be appointed and commissioned as 609  
a notary public for the state. The secretary of state may revoke 610  
a commission issued to a notary public upon presentation of 611  
satisfactory evidence of official misconduct or incapacity. 612

(D) The secretary of state shall oversee the entire 613  
process of appointing and commissioning notaries public. No 614  
portion of the review or certification of applicants shall be 615  
delegated to another entity, except as prescribed in this 616  
chapter and as verified by the secretary of state. 617

(E) All submissions to the secretary of state for 618

receiving and renewing commissions, or notifications made under 619  
section 147.05 of the Revised Code, shall be done 620  
electronically. 621

**Sec. 147.011.** As used in this chapter: 622

(A) "Acknowledgment" means a notarial act in which the 623  
signer of the notarized document acknowledges all of the 624  
following: 625

(1) That the signer has signed the document; 626

(2) That the signer understands the document; 627

(3) That the signer is aware of the consequences of 628  
executing the document by signing it. 629

(B) "Criminal records check" has the same meaning as in 630  
section 109.572 of the Revised Code. 631

(C) "Disqualifying offense" means a crime of moral 632  
turpitude as defined in section 4776.10 of the Revised Code and 633  
a violation of a provision of Chapter 2913. of the Revised Code. 634

(D) "Jurat" means a notarial act in which both of the 635  
following are met: 636

(1) The signer of the notarized document is required to 637  
give an oath or affirmation that the statement in the notarized 638  
document is true and correct; 639

(2) The signer signs the notarized document in the 640  
presence of a notary public. 641

(E) "Notarial certificate" means the part of, or 642  
attachment to, a document that is completed by the notary public 643  
and upon which the notary public places the notary public's 644  
signature and seal. 645

Sec. 147.021. (A) (1) Except as provided in division (B) (4) 646  
of section 147.01 of the Revised Code, no person shall be 647  
appointed as a notary public unless that person has completed an 648  
educational program related to the requirements of this chapter 649  
and passed a test demonstrating knowledge of such requirements. 650

(2) The secretary of state may authorize that such a 651  
program be completed online. 652

(B) The secretary of state shall adopt, in rules under 653  
Chapter 119. of the Revised Code, standards and curricula for 654  
the educational program required under this section. The rules 655  
shall address all of the following: 656

(1) The entities authorized to administer the program and 657  
the required test; 658

(2) The standards and curricula of the program, which 659  
shall be established in coordination with the entities 660  
authorized to administer the program and the required test and 661  
shall include all of the following: 662

(a) The terms of notary commission; 663

(b) How to renew a commission; 664

(c) The conditions under which a commission may be 665  
revoked; 666

(d) What constitutes a legal notarial act; 667

(e) The manner of taking depositions; 668

(f) The taking of an acknowledgment; 669

(g) The administration of a jurat. 670

Sec. 147.022. (A) (1) The secretary of state shall require 671  
each applicant for a notary commission, other than an attorney 672

licensed to practice law in this state, to complete a criminal records check. 673  
674

(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. 675  
676  
677

(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. 678  
679  
680  
681  
682  
683  
684  
685  
686

(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. 687  
688  
689  
690

(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: 691  
692  
693  
694  
695  
696

(1) The person who is the subject of the criminal records check or the person's representative; 697  
698

(2) The secretary of state and the staff of the secretary of state; 699  
700

(3) A court, hearing officer, or other necessary 701

individual involved in a case dealing with a commission denial 702  
resulting from the criminal records check. 703

(E) The secretary of state shall deny a notary commission 704  
application if, after receiving the information and notification 705  
required by this section, a person subject the criminal records 706  
check requirement fails to do either of the following: 707

(1) Access, complete, or forward to the superintendent of 708  
the bureau of criminal identification and investigation the form 709  
prescribed pursuant to division (C) (1) of section 109.572 of the 710  
Revised Code or the standard impression sheet prescribed 711  
pursuant to division (C) (2) of that section; 712

(2) Submit the completed report of the criminal records 713  
check to the secretary of state. 714

**Sec. 147.03.** Each notary public, except an attorney 715  
admitted to the practice of law in this state by the Ohio 716  
supreme court, shall hold office for the term of five years 717  
unless the commission is revoked. An attorney admitted to the 718  
practice of law in this state by the Ohio supreme court shall 719  
hold office as a notary public as long as the attorney is a 720  
resident of this state or has the attorney's principal place of 721  
business or primary practice in this state, the attorney is in 722  
good standing before the Ohio supreme court, and the commission 723  
is not revoked. Before entering upon the duties of office, a 724  
notary public shall take and subscribe an oath to be endorsed on 725  
the notary public's commission. 726

A notary public who violates the oath of office required 727  
by this section shall be removed from office by the ~~court of~~ 728  
~~common pleas of the county in which the notary public resides~~ 729  
secretary of state, upon complaint filed and substantiated ~~in~~ 730

~~the court, and the court, upon removing a notary public from~~ 731  
~~office, shall certify the removal to by the secretary of state.~~ 732  
The person so removed shall be ineligible for reappointment to 733  
the office of notary public. 734

Sec. 147.031. (A) (1) Except as provided in division (A) (2) 735  
of this section, a commission for a notary public appointed 736  
prior to the effective date of this section shall remain valid 737  
until that commission's expiration date. 738

(2) A commission issued to an attorney prior to the 739  
effective date of this section shall be governed by section 740  
147.03 of the Revised Code. 741

(B) A commission that is set to expire as described in 742  
section 147.03 of the Revised Code or as in division (A) of this 743  
section shall not be renewed unless the notary submits to the 744  
secretary of state all of the following: 745

(1) A new criminal records check report as required under 746  
division (B) (3) of section 147.01 of the Revised Code; 747

(2) A fee of not more than sixty dollars, set by the 748  
secretary of state in a rule adopted under Chapter 119. of the 749  
Revised Code; 750

(3) An application for renewal on a form prescribed by the 751  
secretary. 752

(C) A notary public may apply to renew the notary's 753  
commission beginning three months prior to the expiration date 754  
of the commission. 755

(D) If the notary public's commission expires before the 756  
notary submits the application for renewal, the secretary of 757  
state shall not renew that expired commission but shall permit 758

the person to apply for a new notary commission. 759

Sec. 147.032. (A) (1) If the secretary of state believes 760  
that a violation of this chapter has occurred, the secretary of 761  
state may investigate such violations. 762

(2) The secretary of state may investigate possible 763  
violations of this chapter upon a signed complaint from any 764  
person. 765

(B) The secretary of state may hold a disciplinary hearing 766  
if the secretary of state determines a hearing to be appropriate 767  
after an investigation conducted under division (A) of this 768  
section. 769

(C) After holding an administrative hearing and concluding 770  
that a violation of this chapter has occurred, the secretary of 771  
state may do any of the following: 772

(1) Revoke the notary public's commission; 773

(2) Suspend the notary public's commission for a specified 774  
period of time or until fulfillment of a condition, such as 775  
retraining, or both. 776

(3) Issue a letter of admonition that shall be placed in 777  
the notary public's record. 778

(D) A person whose notary commission has been revoked may 779  
not apply for a subsequent notary commission. 780

(E) The secretary of state may adopt rules under Chapter 781  
119. of the Revised Code to set forth procedures for 782  
investigations and hearings regarding violations of this chapter 783  
and disciplinary actions taken. 784

(F) The secretary of state may establish an advisory board 785

to meet as the secretary of state considers necessary to discuss 786  
matters related to notary law and procedures. 787

**Sec. 147.04.** Before entering upon the discharge of ~~his~~ 788  
~~official~~ duties, a notary public shall ~~provide himself with~~ 789  
~~obtain~~ the seal of a notary public. The seal shall consist of 790  
the coat of arms of the state within a circle that is at least 791  
three-quarters of an inch, but not larger than one inch, in 792  
diameter and shall be surrounded by the words "notary public," 793  
"notarial seal," or words to that effect, the name of the notary 794  
public, and the words "State of Ohio." The seal may be of either 795  
a type that will stamp ink onto a document or one that will 796  
emboss it. The name of the notary public may, instead of 797  
appearing on the seal, be printed, typewritten, or stamped in 798  
legible, printed letters near ~~his~~ the notary public's signature 799  
on each document signed by ~~him~~ the notary public. ~~A notary~~ 800  
~~public shall also provide himself with an official register in~~ 801  
~~which shall be recorded a copy of every certificate of protest~~ 802  
~~and copy of note, which seal and record shall be exempt from~~ 803  
~~execution. Upon the death, expiration of term without~~ 804  
~~reappointment, or removal from office of any notary public, his~~ 805  
~~official register shall be deposited in the office of the county~~ 806  
~~recorder of the county in which he resides.~~ 807

**Sec. 147.041.** A person commissioned as a notary public 808  
prior to the effective date of this section may continue to use 809  
a seal that met the requirements of section 147.04 of the 810  
Revised Code and that was in that person's possession before 811  
that date. 812

**Sec. 147.05.** (A) ~~Before entering upon the duties of the~~ 813  
~~office of notary public, a notary public shall leave the notary~~ 814  
~~public's commission with the oath endorsed on the commission~~ 815

~~with the clerk of the court of common pleas of the county in~~ 816  
~~which the notary public resides. The clerk shall record the~~ 817  
~~commission in a book kept for that purpose. The clerk shall~~ 818  
~~endorse on the margin of the record and on the back of the~~ 819  
~~commission the time that the clerk received the commission for~~ 820  
~~record and make a proper index to all commissions so recorded.~~ 821  
~~For recording and indexing a commission, the fee of the clerk~~ 822  
~~shall be as provided in division (R) of section 2303.20 of the~~ 823  
~~Revised Code.~~ 824

~~(B)~~ The secretary of state shall maintain a record of the 825  
commissions of each notary public appointed and commissioned by 826  
the secretary of state under this chapter and make a proper 827  
index to that record. 828

The governor's office shall transfer to the secretary of 829  
state's office, on or after June 6, 2001, the record of notaries 830  
public formerly kept by the governor's office under section 831  
107.10 of the Revised Code. The secretary of state's office 832  
shall maintain that record together with the record and index of 833  
commissions of notaries public required by this division. 834

~~(C)~~ (B) If a notary public legally changes the notary 835  
public's name or address after having been commissioned as a 836  
notary public, the notary public shall notify the secretary of 837  
state and ~~the appropriate clerk of courts~~ within thirty days 838  
after the name or address change. ~~Notification to the secretary~~ 839  
~~of state~~ Such a notification shall be on a form prescribed by 840  
the secretary of state. 841

~~(D)~~ (C) A notary, ~~other than an attorney~~, who resigns the 842  
person's commission shall deliver to the secretary of state, on 843  
a form prescribed by the secretary of state, a written notice 844  
indicating the effective date of resignation. 845

(D) (1) A notary shall inform the secretary of state of 846  
being convicted of or pleading guilty or no contest to any 847  
disqualifying offense, as defined in section 147.011 of the 848  
Revised Code, or any offense under an existing or former law of 849  
this state, any other state, or the United States that is 850  
substantially equivalent to such a disqualifying offense during 851  
the term of the notary's commission. 852

(2) The secretary of state shall revoke the commission of 853  
any person who is convicted of or pleads guilty or no contest to 854  
a disqualifying offense, including an attorney licensed to 855  
practice law in this state. 856

**Sec. 147.051.** The secretary of state shall maintain a 857  
database of notaries public on a publicly accessible web site. 858  
The web site shall provide all of the following information in 859  
relation to each notary public: 860

(A) A verification of the authority and good standing of 861  
the individual to perform notarial acts; 862

(B) Whether the notary is registered to perform online 863  
notarizations, as defined in section 147.60 of the Revised Code; 864

(C) A description of any administrative or disciplinary 865  
action taken against the notary. 866

**Sec. 147.06.** Upon application, the ~~clerk of the court of~~ 867  
~~common pleas~~ secretary of state shall make a certified copy of a 868  
notary public commission and the endorsements on the commission, 869  
~~under the seal of the court.~~ The certified copy shall be prima- 870  
facie evidence of the matters and facts contained in it. For 871  
each certified copy of a notary public commission, the ~~clerk-~~ 872  
~~secretary of state~~ shall be entitled to receive a fee of ~~two-~~ 873  
~~five~~ dollars. 874

**Sec. 147.07.** A notary public may, throughout the state, 875  
administer oaths required or authorized by law, take and certify 876  
depositions, and take and certify acknowledgments of deeds, 877  
mortgages, liens, powers of attorney, and other instruments of 878  
writing, ~~and receive, make, and record notarial protests.~~ In 879  
taking depositions, ~~he~~ a notary public shall have the power that 880  
is by law vested in judges of county courts to compel the 881  
attendance of witnesses and punish them for refusing to testify. 882  
Sheriffs and constables are required to serve and return all 883  
process issued by notaries public in the taking of depositions. 884

**Sec. 147.08.** (A) A notary public is entitled to the 885  
following fees: 886

~~(A) For the protest of a bill of exchange or promissory 887  
note, one dollar and actual necessary expenses in going beyond 888  
the corporate limits of a municipal corporation to make 889  
presentment or demand; 890~~

~~(B) For recording an instrument required to be recorded by 891  
a notary public, ten cents for each one hundred words; 892~~

~~(C) For taking and certifying acknowledgments of deeds, 893  
mortgages, liens, powers of attorney, and other instruments of 894  
writing, and for taking and certifying depositions, 895  
administering oaths, and other official services, the same fees 896  
as are allowed by section 2319.27 of the Revised Code or by law 897  
to clerks of the courts of common pleas for like services; 898~~

~~(D) For taking and certifying an affidavit, one dollar and 899  
fifty cents. 900~~

(1) Up to five dollars for any notarial act that is not an 901  
online notarization; 902

(2) For an online notarization, up to twenty-five dollars. 903

(B) A notary charging the fee authorized under division (A) (2) of this section shall not also charge the fee authorized under division (A) (1) of this section. 904  
905  
906

(C) The fees charged under division (A) of this section shall not be calculated on a per signature basis. 907  
908

(D) In addition to the fees authorized under division (A) of this section, a notary may charge a reasonable travel fee, as agreed to by the notary and the principal prior to the notarial act. 909  
910  
911  
912

(E) The secretary of state may adopt rules under Chapter 119. of the Revised Code to increase the fees authorized under this section. 913  
914  
915

**Sec. 147.13.** A notary public who charges or receives for an act or service done or rendered by the notary public a fee greater than the amount prescribed by law, or who dishonestly or unfaithfully discharges any official duties as notary public, 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. The court shall certify the removal to~~ by the secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public. 916  
917  
918  
919  
920  
921  
922  
923  
924  
925

**Sec. 147.14.** No notary public shall certify to the affidavit of a person without administering the appropriate oath or affirmation to the person. A notary public who violates this section shall be removed from office by the ~~court of common pleas of the county in which a conviction for a violation of this section is had. The court shall certify the removal to the~~ secretary of state. The person so removed shall be ineligible to 926  
927  
928  
929  
930  
931  
932

reappointment for a period of three years.	933
<u>Sec. 147.141. (A) A notary public shall not do any of the</u>	934
<u>following:</u>	935
<u>(1) Perform a notarial act with regard to a record or</u>	936
<u>document executed by the notary;</u>	937
<u>(2) Notarize the notary's own signature;</u>	938
<u>(3) Take the notary's own deposition;</u>	939
<u>(4) Perform a notarial act if the notary has a conflict of</u>	940
<u>interest with regard to the transaction in question;</u>	941
<u>(5) Certify that a document is either of the following:</u>	942
<u>(a) An original document;</u>	943
<u>(b) A true copy of another record.</u>	944
<u>(6) Use a name or initial in signing certificates other</u>	945
<u>than that by which the notary public is commissioned;</u>	946
<u>(7) Sign notarial certificates using a facsimile signature</u>	947
<u>stamp unless the notary public has a physical disability that</u>	948
<u>limits or prohibits the notary's ability to make a written</u>	949
<u>signature and unless the notary has first submitted written</u>	950
<u>notice to the secretary of state with an example of the</u>	951
<u>facsimile signature stamp;</u>	952
<u>(8) Affix the notary's signature to a blank form of an</u>	953
<u>affidavit or certificate of acknowledgment and deliver that form</u>	954
<u>to another person with the intent that it be used as an</u>	955
<u>affidavit or acknowledgment;</u>	956
<u>(9) Take the acknowledgment of, or administer an oath or</u>	957
<u>affirmation to, a person who the notary public knows to have</u>	958
<u>been adjudicated mentally incompetent by a court of competent</u>	959

<u>jurisdiction, if the acknowledgment or oath or affirmation</u>	960
<u>necessitates the exercise of a right that has been removed;</u>	961
<u>(10) Notarize a signature on a document if it appears that</u>	962
<u>the person is mentally incapable of understanding the nature and</u>	963
<u>effect of the document at the time of notarization;</u>	964
<u>(11) Alter anything in a written instrument after it has</u>	965
<u>been signed by anyone;</u>	966
<u>(12) Amend or alter a notarial certificate after the</u>	967
<u>notarization is complete;</u>	968
<u>(13) Notarize a signature on a document if the document is</u>	969
<u>incomplete or blank;</u>	970
<u>(14) Notarize a signature on a document if it appears that</u>	971
<u>the signer may be unduly influenced or coerced so as to be</u>	972
<u>restricted from or compromised in exercising the person's own</u>	973
<u>free will when signing the document;</u>	974
<u>(15) Take an acknowledgment of execution in lieu of an</u>	975
<u>oath or affirmation if an oath or affirmation is required;</u>	976
<u>(16) Determine the validity of a power of attorney</u>	977
<u>document or any other form designating a representative</u>	978
<u>capacity, such as trustee, authorized officer, agent, personal</u>	979
<u>representative, or guardian, unless that notary is an attorney</u>	980
<u>licensed to practice law in this state.</u>	981
<u>(B) As used in this section, "conflict of interest" means</u>	982
<u>either of the following:</u>	983
<u>(1) The notary has a direct financial or other interest in</u>	984
<u>the transaction in question, excluding the fees authorized under</u>	985
<u>this chapter;</u>	986

(2) The notary is named, individually or as a grantor, 987  
grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, 988  
vendor, lessor, or lessee, or as a party in some other capacity 989  
to the transaction. 990

**Sec. 147.142.** (A) A notary public who is not a licensed 991  
attorney in this state shall not represent or advertise himself 992  
or herself as an immigration consultant or an expert in 993  
immigration matters. 994

(B) A notary public who is not a licensed attorney in this 995  
state shall not do any of the following: 996

(1) Provide any service that constitutes the unauthorized 997  
practice of law in violation of section 4705.07 of the Revised 998  
Code; 999

(2) State or imply that the notary is an attorney licensed 1000  
to practice law in this state; 1001

(3) Solicit or accept compensation to prepare documents 1002  
for or otherwise represent the interest of another person in a 1003  
judicial or administrative proceeding, including a proceeding 1004  
relating to immigration to the United States, United States 1005  
citizenship, or related matters; 1006

(4) Solicit or accept compensation to obtain relief of any 1007  
kind on behalf of another from any officer, agency, or employee 1008  
of this state or of the United States; 1009

(5) Use the phrase "notario" or "notario publico" to 1010  
advertise the services of a notary public, whether by sign, 1011  
pamphlet, stationery, or other written communication, or by 1012  
radio, television, or other non-written communication. 1013

**Sec. 147.37.** Each~~The~~ secretary of state may charge each 1014

person receiving a commission as notary public,~~including an~~ 1015  
~~attorney admitted to the practice of law in this state by the~~ 1016  
~~Ohio supreme court, shall pay a fee of fifteen not more than one~~ 1017  
~~hundred fifty dollars to the secretary of state.~~ 1018

**Sec. 147.371.** (A) Upon receipt of a fee of two dollars and 1019  
an affidavit that the original commission of a notary public has 1020  
been lost or destroyed, a duplicate commission as notary public 1021  
shall be issued by the secretary of state. 1022

(B) Upon receipt of a fee of two dollars and the properly 1023  
completed, prescribed form for a name and address change under 1024  
division ~~(C)~~(B) of section 147.05 of the Revised Code, the 1025  
secretary of state shall issue a duplicate commission as a 1026  
notary public. 1027

**Sec. 147.51.** For the purposes of sections 147.51 to 147.58 1028  
of the Revised Code, "notarial acts" means acts which the laws 1029  
and regulations of this state authorize notaries public of this 1030  
state to perform, including the administration of oaths and 1031  
affirmations, taking proof of execution and acknowledgment of 1032  
instruments, ~~and~~ attesting documents, and executing a jurat. 1033

Notarial acts may be performed outside this state for use 1034  
in this state with the same effect as if performed by a notary 1035  
public of this state by the following persons authorized 1036  
pursuant to the laws and regulations of other governments, in 1037  
addition to any other persons authorized by the laws and 1038  
regulations of this state: 1039

(A) A notary public authorized to perform notarial acts in 1040  
the place in which the act is performed; 1041

(B) A judge, clerk, or deputy clerk of any court of record 1042  
in the place in which the notarial act is performed; 1043

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

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

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

(2) A member of the armed forces of the United States;

(3) Any other person serving with or accompanying the armed forces of the United States~~†~~.

(E) Any other person authorized to perform notarial acts in the place in which the act is performed.

**Sec. 147.542.** (A) A notary public shall provide a completed notarial certificate for every notarial act the notary public performs.

(B) For an acknowledgment and a jurat, the corresponding notarial certificate shall indicate the type of notarization being performed.

(C) If a notarial certificate incorrectly indicates the type of notarization performed, the notary public shall provide a correct certificate at no charge to the person signing in question.

(D) (1) An acknowledgment certificate shall clearly state that no oath or affirmation was administered to the signer with

<u>regard to the notarial act.</u>	1072
<u>(2) A jurat certificate shall clearly state that an oath</u>	1073
<u>or affirmation was administered to the signer with regard to the</u>	1074
<u>notarial act.</u>	1075
<u>(E) (1) A notary public shall not use an acknowledgment</u>	1076
<u>certificate with regard to a notarial act in which an oath or</u>	1077
<u>affirmation has been administered.</u>	1078
<u>(2) A notary public shall not use a jurat certificate with</u>	1079
<u>regard to a notarial act in which an oath or affirmation has not</u>	1080
<u>been administered.</u>	1081
<u>(F) A certificate required under this section may be</u>	1082
<u>provided through any of the following means:</u>	1083
<u>(1) Preprinting on a notarial document;</u>	1084
<u>(2) Ink stamp;</u>	1085
<u>(3) Handwritten note;</u>	1086
<u>(4) A separate, attached document.</u>	1087
<u>(G) A notarial certificate shall show all of the following</u>	1088
<u>information:</u>	1089
<u>(1) The state and county venue where the notarization is</u>	1090
<u>being performed;</u>	1091
<u>(2) The wording of the acknowledgment or jurat in</u>	1092
<u>question;</u>	1093
<u>(3) The date on which the notarial act was performed;</u>	1094
<u>(4) The signature of the notary, exactly as shown on the</u>	1095
<u>notary's commission;</u>	1096
<u>(5) The notary's printed name, displayed below the</u>	1097

notary's signature or inked stamp; 1098

(6) The notary's notarial seal and commission expiration date; 1099  
1100

(7) If an electronic document was signed in the physical presence of a notary and notarized pursuant to section 147.591 of the Revised Code, or if an online notarization was performed pursuant to sections 147.60 to 147.66 of the Revised Code, the certificate shall include a statement to that effect. 1101  
1102  
1103  
1104  
1105

(H) A notary public may explain to a signer the difference between an acknowledgment and a jurat, but shall not, unless that notary is an attorney, advise the person on the type of notarial act that best suits a situation. 1106  
1107  
1108  
1109

**Sec. 147.55.** The ~~Notwithstanding section 147.542 of the Revised Code, the forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any section of the Revised Code. The forms shall be known as "statutory short forms of acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.~~ 1110  
1111  
1112  
1113  
1114  
1115  
1116

"(A) For an individual acting in-his the individual's own right: 1117  
1118

"State of ..... 1119

County of ..... 1120

The foregoing instrument was acknowledged before me this (date) by (name of person ~~acknowledged.~~ acknowledging). 1121  
1122

(Signature of person taking acknowledgment) 1123

(Title or rank) 1124

<del>(Serial number, if any)"</del>	1125
(B) "For a corporation:	1126
"State of .....	1127
County of .....	1128
The foregoing instrument was acknowledged before me this	1129
(date) by (name of officer or agent, title of officer or agent)	1130
of (name of corporation acknowledging), a (state or place of	1131
incorporation) corporation, on behalf of the corporation.	1132
(Signature of person taking acknowledgment)	1133
(Title or rank)	1134
<del>(Serial number, if any)"</del>	1135
(C) "For a partnership:	1136
"State of .....	1137
County of .....	1138
The foregoing instrument was acknowledged before me this	1139
(date) by (name of acknowledging partner or agent), partner (or	1140
agent) on behalf of (name of partnership), a partnership.	1141
(Signature of person taking acknowledgment)	1142
(Title or rank)	1143
<del>(Serial number, if any)"</del>	1144
(D) "For an individual acting as principal by an attorney	1145
in fact:	1146
"State of .....	1147
County of .....	1148

The foregoing instrument was acknowledged before me this 1149  
(date) by (name of attorney in fact) as attorney in fact on 1150  
behalf of (name of principal). 1151

(Signature of person taking acknowledgment) 1152

(Title or rank) 1153

~~(Serial number, if any)"~~ 1154

(E) "By any public officer, trustee, or personal 1155  
representative: 1156

"State of ..... 1157

County of ..... 1158

The foregoing instrument was acknowledged before me this 1159  
(date) by (name and title of position). 1160

(Signature of person taking acknowledgment) 1161

(Title or rank) 1162

~~(Serial number, if any)"~~ 1163

Sec. 147.551. Notwithstanding section 147.542 of the 1164  
Revised Code, a jurat may take the following form: 1165

"State of Ohio 1166

County of ..... 1167

Sworn to or affirmed and subscribed before me by 1168  
(signature of person making jurat) this date of (date). 1169

(Signature of notary public administering jurat) 1170

(Affix seal here) 1171

(Title of rank) 1172

(Commission expiration date)" 1173

**Sec. 147.59.** (A) An individual whose physical 1174  
characteristics limit the individual's ability to sign a 1175  
document presented for notarization may direct a designated 1176  
alternative signer to sign on the individual's behalf, if all of 1177  
the following are met: 1178

(1) The individual clearly indicates, through oral, 1179  
verbal, physical, electronic, or mechanical means, to the notary 1180  
public the individual's intent for the designated alternative 1181  
signer to sign the individual's name on the notarial document. 1182

(2) Both the individual and the designated alternative 1183  
signer provide satisfactory identification to the notary public. 1184

(3) The designated alternative signer signs the document 1185  
in the presence of the notary public. 1186

(4) The designated alternative signer is not named in the 1187  
document. 1188

(5) The notarial certificate provided to the individual 1189  
gives the name of the designated alternative signer and states 1190  
that the document was signed under this section at the direction 1191  
of the individual. 1192

(B) An individual may use a designated alternative signer 1193  
to perform an online notarial act if all of the requirements of 1194  
division (A) of this section are met. 1195

**Sec. 147.591.** (A) As used in this section, "electronic 1196  
document," "electronic seal," and "electronic signature" have 1197  
the same meanings as in section 147.60 of the Revised Code. 1198

(B) An electronic document that is signed in the physical 1199  
presence of the notary public with an electronic signature and 1200

notarized with an electronic seal shall be considered an 1201  
original document. 1202

(C) Any notary public may obtain an electronic seal and an 1203  
electronic signature for the purposes of notarizing documents 1204  
under this section. 1205

(D) A notary public shall comply with the provisions of 1206  
section 147.66 of the Revised Code pertaining to the electronic 1207  
seal and electronic signature. 1208

**Sec. 147.60.** As used in this section and sections 147.61 1209  
to 147.66 of the Revised Code: 1210

(A) "Appear in person" means being in the same physical 1211  
location as another person and being close enough to hear, 1212  
communicate with, and exchange tangible identification 1213  
credentials with that individual. "Appear in person" also means 1214  
being in a different location as another person and interacting 1215  
with that individual by means of live two-way, audio-video 1216  
communication. 1217

(B) "Credential analysis" means a process or service 1218  
operating according to standards adopted by the secretary of 1219  
state under section 147.62 of the Revised Code through which a 1220  
third person affirms the validity of a government-issued 1221  
identification credential through review of public and 1222  
proprietary data sources. 1223

(C) "Electronic" means relating to technology having 1224  
electrical, digital, magnetic, wireless, optical, 1225  
electromagnetic, or similar capabilities. 1226

(D) "Electronic document" means information that is 1227  
created, generated, sent, communicated, received, or stored in 1228  
an electronic medium and is retrievable in perceivable form. 1229

(E) "Electronic seal" means information within a notarized 1230  
electronic document to which all of the following apply: 1231

(1) The information confirms the notary public's name, 1232  
jurisdiction, and commission expiration date. 1233

(2) The information generally corresponds to the contents, 1234  
layout, and format of the notary public's seal for use on paper 1235  
documents, as required under section 147.04 of the Revised Code. 1236

(F) "Electronic signature" means an electronic sound, 1237  
symbol, or process attached to or logically associated with an 1238  
electronic document and executed or adopted by a natural person 1239  
with the intent to sign the electronic document. 1240

(G) "Identity proofing" means a process or service 1241  
operating according to standards adopted by the secretary of 1242  
state under section 147.62 of the Revised Code through which a 1243  
third person affirms the identity of a natural person through 1244  
the review of personal information from public and proprietary 1245  
data sources. 1246

(H) "Notarial act" means the performance of a function 1247  
authorized under sections 147.07 and 147.51 of the Revised Code. 1248  
"Notarial act" does not include the taking or certifying of 1249  
depositions. 1250

(I) "Online notarization" means a notarial act performed 1251  
by means of live two-way video and audio conference technology 1252  
that conforms to the standards adopted by the secretary of state 1253  
under section 147.62 of the Revised Code. 1254

(J) "Online notary public" means a notary public who has 1255  
been duly appointed and commissioned under section 147.01 of the 1256  
Revised Code and has received authorization by the secretary of 1257  
state under section 147.63 of the Revised Code to perform online 1258

notarizations. 1259

(K) "Principal" means a natural person whose electronic 1260  
signature is notarized in an online notarization, or the natural 1261  
person taking an oath or affirmation from the online notary 1262  
public. "Principal" does not include a natural person taking an 1263  
oath or giving an affirmation in the capacity of a witness for 1264  
the online notarization. 1265

(L) "Remote presentation" means transmission to an online 1266  
notary public through live two-way video and audio conference 1267  
technology of an image of a government-issued identification 1268  
credential that is of sufficient quality to enable the online 1269  
notary public to identify the principal seeking the online 1270  
notary public's services and to perform credential analysis. 1271

(M) "Territory of the United States" means the United 1272  
States, Puerto Rico, the United States Virgin Islands, and any 1273  
territory, insular possession, or other location subject to the 1274  
jurisdiction of the United States. 1275

**Sec. 147.61.** Sections 147.60 to 147.66 of the Revised Code 1276  
apply to online notarizations and online notaries public. To the 1277  
extent that a provision of sections 147.60 to 147.66 of the 1278  
Revised Code conflicts with another provision of this chapter or 1279  
other applicable law, sections 147.60 to 147.66 of the Revised 1280  
Code supersede the provision. 1281

**Sec. 147.62.** (A) The secretary of state shall adopt rules 1282  
under Chapter 119. of the Revised Code necessary to implement, 1283  
set, and maintain standards for online notarizations and online 1284  
notaries public. Such rules shall address, at a minimum, all of 1285  
the following: 1286

(1) The standards, procedures, application forms, and fees 1287

<u>for the authorization of a notary public to act as an online</u>	1288
<u>notary public;</u>	1289
<u>(2) The means of performing online notarizations;</u>	1290
<u>(3) Standards for the technology to be used in online</u>	1291
<u>notarizations;</u>	1292
<u>(4) Standards for remote presentation, credential</u>	1293
<u>analysis, and identity proofing;</u>	1294
<u>(5) Standards for the retention of records relating to</u>	1295
<u>online notarizations;</u>	1296
<u>(6) The modification of forms of notarial certificates for</u>	1297
<u>any notarial act that is an online notarization;</u>	1298
<u>(7) Standards and requirements for the termination of a</u>	1299
<u>notary public's authorization to perform online notarizations.</u>	1300
<u>(B) The office of information technology in the department</u>	1301
<u>of administrative services shall provide assistance to the</u>	1302
<u>secretary of state relating to the equipment, security, and</u>	1303
<u>technological aspects of the standards established under this</u>	1304
<u>section.</u>	1305
<b>Sec. 147.63.</b> <u>(A) A notary public who has been duly</u>	1306
<u>appointed and commissioned under section 147.01 of the Revised</u>	1307
<u>Code, and who is a resident of this state, may apply to the</u>	1308
<u>secretary of state to be authorized to act as an online notary</u>	1309
<u>public during the term of that notary public's commission. A</u>	1310
<u>state resident commissioned as a notary public qualifies to be</u>	1311
<u>an online notary public by paying the application fee described</u>	1312
<u>by division (G) of this section and submitting to the secretary</u>	1313
<u>of state an application in the form prescribed by the secretary</u>	1314
<u>that demonstrates to the satisfaction of the secretary that the</u>	1315

applicant will comply with the standards adopted in rules under 1316  
section 147.62 of the Revised Code and that the applicant is 1317  
otherwise qualified to be an online notary. 1318

(B) Before an individual may be authorized to act as an 1319  
online notary public, that individual shall successfully 1320  
complete a course of instruction approved by the secretary of 1321  
state and pass an examination based on the course. The content 1322  
of the course shall include notarial rules, procedures, and 1323  
ethical obligations pertaining to online notarization contained 1324  
in sections 147.60 to 147.66 of the Revised Code or in any other 1325  
law or rules of this state. The course may be taken in 1326  
conjunction with the educational program required under section 1327  
147.021 of the Revised Code for a notary public commission. 1328

(C) The application required under division (A) of this 1329  
section shall be transmitted electronically to the secretary of 1330  
state and shall include all of the following information: 1331

(1) The applicant's full legal name and official notary 1332  
public name to be used in acting as an online notary public; 1333

(2) A description of the technology the applicant intends 1334  
to use in performing online notarizations; 1335

(3) A certification that the applicant will comply with 1336  
the rules adopted under section 147.62 of the Revised Code; 1337

(4) An electronic mail address of the applicant; 1338

(5) Any decrypting instructions, keys, codes, or software 1339  
necessary to enable the application to be read; 1340

(6) Proof of successful completion of the course and 1341  
passage of the examination required under division (B) of this 1342  
section; 1343

(7) A disclosure of any and all license or commission  
revocations or other professional disciplinary actions taken  
against the applicant; 1344  
1345  
1346

(8) Any other information that the secretary of state may  
require. 1347  
1348

(D) (1) If the secretary of state is satisfied that an  
applicant meets the standards adopted in rules under section  
147.62 of the Revised Code, and that the applicant is otherwise  
qualified to be an online notary public, then the secretary  
shall issue to the applicant a written authorization to perform  
online notarizations. 1349  
1350  
1351  
1352  
1353  
1354

(2) (a) Except as provided in division (D) (2) (c) of this  
section, the authorization shall expire when the notary public's  
commission expires or is revoked under section 147.03, 147.031,  
or 147.032 of the Revised Code. 1355  
1356  
1357  
1358

(b) Except as provided in division (D) (2) (c) of this  
section, the authorization may be renewed when the notary  
public's commission is renewed. 1359  
1360  
1361

(c) An authorization to perform online notarizations  
granted to an attorney admitted to the practice of law in this  
state by the Ohio supreme court shall expire five years after  
the date the authorization is granted or when the attorney's  
term of office as a notary public ends pursuant to section  
147.03 or 147.032 of the Revised Code. 1362  
1363  
1364  
1365  
1366  
1367

(d) An attorney authorized to perform online notarizations  
may apply to renew the attorney's authorization three months  
prior to the authorization's expiration date. 1368  
1369  
1370

(3) (a) The secretary may deny an application for an online  
notary public if any of the required information is missing or 1371  
1372

incorrect on the application form. 1373

(b) The secretary may also deny an application if the 1374  
technology the applicant identifies pursuant to division (C) (2) 1375  
of this section does not conform to the standards developed by 1376  
the secretary pursuant to section 147.62 of the Revised Code. 1377

(E) Nothing in this section shall be construed as 1378  
prohibiting an online notary public from receiving, installing, 1379  
and utilizing a software update to the technology that the 1380  
online notary public disclosed pursuant to division (C) (2) of 1381  
this section if that software update does not result in a 1382  
technology that is materially different from the technology that 1383  
the online notary public disclosed pursuant to division (C) (2) 1384  
of this section. 1385

(F) (1) If a notary public changes either the hardware or 1386  
the software that the notary intends to use to carry out online 1387  
notarizations, then the notary shall inform the secretary of 1388  
this intent on a form prescribed by the secretary. 1389

(2) If the secretary determines that the new hardware or 1390  
software does not meet the standards prescribed in rules under 1391  
section 147.62 of the Revised Code, then the secretary may 1392  
suspend or revoke the notary's authority to perform online 1393  
notarizations. 1394

(G) The secretary of state may establish a reasonable fee, 1395  
not to exceed twenty-five dollars, for an application submitted 1396  
under this section. 1397

**Sec. 147.64.** (A) (1) Except as provided in division (A) (3) 1398  
of this section, an online notary public has the authority to 1399  
perform any notarial act as an online notarization. 1400

(2) An electronic document notarized through an online 1401

notarization shall be considered an original document. 1402

(3) An online notary public shall not take or certify a 1403  
deposition as an online notarization. 1404

(B) A notary public of this state who has been authorized 1405  
by the secretary of state to perform online notarizations may 1406  
perform online notarizations only if both of the following 1407  
conditions are met: 1408

(1) The online notary public is a resident of this state. 1409

(2) The online notary public is located within the 1410  
geographical boundaries of this state at the time of the online 1411  
notarization. 1412

(C) (1) A notary public may perform an online notarization 1413  
by means of audio-video communication in compliance with this 1414  
act and any other rules adopted by the secretary of state for 1415  
any principal who is located within the territory of the United 1416  
States. 1417

(2) A notary public may perform an online notarization for 1418  
a principal located outside the territory of the United States 1419  
only if both of the following conditions are met: 1420

(a) The act is not known by the notary public to be 1421  
prohibited in the jurisdiction in which the principal is 1422  
physically located at the time of the act. 1423

(b) The record meets any of the following: 1424

(i) Is part of, or pertains to, a matter that is to be 1425  
filed with or is before a court, governmental entity, or other 1426  
entity located in the territorial jurisdiction of the United 1427  
States; 1428

(ii) Involves real or personal property located in the territorial jurisdiction of the United States; 1429  
1430

(iii) Is part of, or pertains to, a transaction substantially connected with the United States. 1431  
1432

(D) If an online notarization requires a principal to appear before an online notary public, the principal shall appear in person before the notary public and the principal and the notary public shall each sign the record with an electronic signature. 1433  
1434  
1435  
1436  
1437

(E) (1) In performing an online notarization, a notary public shall determine from personal knowledge or satisfactory evidence of identity as described in division (E) (2) of this section that the principal appearing before the notary by means of live audio-video communication is the individual that he or she purports to be. 1438  
1439  
1440  
1441  
1442  
1443

(2) A notary public has satisfactory evidence of identity if the notary can identify the individual who appears in person before the notary by means of audio-video communication based on either of the following: 1444  
1445  
1446  
1447

(a) All of the following: 1448

(i) Remote presentation by the principal of a government-issued identification credential, including a passport or driver's license, that contains the signature and photograph of the principal; 1449  
1450  
1451  
1452

(ii) Credential analysis of the identification credentials provided; 1453  
1454

(iii) Identity proofing of the principal. 1455

(b) Verification by one or more credible witnesses who 1456

appear in person before the notary and who can be identified by 1457  
either personal knowledge or all of the following: 1458

(i) Presentation of a government-issued identification 1459  
credential, including a passport or driver's license, that 1460  
contains the signature and photograph of the witness; 1461

(ii) Credential analysis of the identification credentials 1462  
provided; 1463

(iii) Identity proofing of the witness. 1464

(F) The secretary of state shall include in rules adopted 1465  
under section 147.62 of the Revised Code modified forms of 1466  
notarial certificates for any notarial act that is an online 1467  
notarization. 1468

**Sec. 147.65.** (A) An online notary public shall maintain 1469  
one or more electronic journals in which the online notary 1470  
public records, in chronological order, all online notarizations 1471  
that the online notary public performs. The electronic journal 1472  
shall enable access by a password or other secure means of 1473  
authentication and be in a tamper-evident electronic format 1474  
complying with the rules of the secretary of state adopted under 1475  
section 147.62 of the Revised Code. 1476

(B) For every online notarization, the online notary 1477  
public shall record the following information in the electronic 1478  
journal: 1479

(1) The date and time of the notarial act; 1480

(2) The type of notarial act; 1481

(3) The title or a description of the record being 1482  
notarized, if any; 1483

<u>(4) The electronic signature of each principal;</u>	1484
<u>(5) The printed full name and address of each principal;</u>	1485
<u>(6) If identification of the principal is based on</u> <u>personal knowledge, a statement to that effect;</u>	1486 1487
<u>(7) If identification of the principal is based on</u> <u>satisfactory evidence of identity pursuant to division (E) (2) of</u> <u>section 147.64 of the Revised Code, a description of the</u> <u>evidence relied upon, including the date of issuance or</u> <u>expiration of any identification credential presented;</u>	1488 1489 1490 1491 1492
<u>(8) If identification of the principal is based on a</u> <u>credible witness or witnesses, the name of the witness or</u> <u>witnesses;</u>	1493 1494 1495
<u>(9) If the notarization was not performed at the online</u> <u>notary public's business address, the address where the</u> <u>notarization was performed;</u>	1496 1497 1498
<u>(10) A description of the online notarization system used;</u>	1499
<u>(11) The fee, if any, charged by the notary;</u>	1500
<u>(12) The name of the jurisdiction in which the principal</u> <u>was located at the time of the online notarization;</u>	1501 1502
<u>(13) The recording upon which the identification of the</u> <u>principal is based, as required under division (D) (3) of this</u> <u>section;</u>	1503 1504 1505
<u>(14) Any other information required by the secretary of</u> <u>state.</u>	1506 1507
<u>(C) An online notary public shall not record a social</u> <u>security number in the electronic journal.</u>	1508 1509
<u>(D) An online notary public shall do all of the following:</u>	1510

- (1) Take reasonable steps to ensure the integrity, 1511  
security, and authenticity of online notarizations; 1512
- (2) Take reasonable steps to ensure that the two-way, 1513  
audio-video communication used in an online notarization is 1514  
secure from unauthorized interception; 1515
- (3) Create and maintain pursuant to this section a 1516  
complete recording of the audio-video communication that is the 1517  
basis for identification of a principal for each online 1518  
notarization; 1519
- (4) Maintain a backup for the electronic journal required 1520  
by division (A) of this section and the audio-video recordings 1521  
required by division (D) (3) of this section; 1522
- (5) (a) Safeguard the electronic journal and all other 1523  
notarial records by doing all of the following: 1524
- (i) Not allowing the electronic journal to be used by 1525  
another notary; 1526
- (ii) Creating the audio-video recording required under 1527  
division (D) (3) of this section in a tamper-evident electronic 1528  
format complying with the rules of the secretary of state 1529  
adopted under section 147.62 of the Revised Code; 1530
- (iii) Protecting the electronic journal and audio-video 1531  
recordings from unauthorized use. 1532
- (b) An online notary public may use a third party to keep 1533  
and store the electronic journal. The secretary of state shall 1534  
adopt, in rules under Chapter 119. of the Revised Code, 1535  
standards pertaining to the use of such a third party. 1536
- (6) Surrender or destroy the electronic journal and all 1537  
other notarial records only by rule of law, by court order, or 1538

at the direction of the secretary of state; 1539

(7) Not surrender the electronic journal to an employer 1540  
upon termination of employment. 1541

(E) (1) An employer shall not retain the electronic journal 1542  
of an employee who is an online notary public when the notary's 1543  
employment ceases. 1544

(2) Notwithstanding division (E) (1) of this section, an 1545  
online notary public may make an agreement with a current or 1546  
former employer pursuant to division (D) (5) (b) of this section. 1547

(3) An online notary public may use any current or former 1548  
employer approved as a repository by the secretary of state to 1549  
meet all applicable repository requirements of this section or 1550  
section 147.66 of the Revised Code and any associated rules. 1551

(F) (1) Except as provided in division (E) of section 1552  
147.66 of the Revised Code, an electronic journal required under 1553  
division (A) of this section and the audio-video recordings 1554  
required by division (D) (3) of this section shall be maintained 1555  
by the online notary public during the term of the online notary 1556  
public's authorization to perform online notarizations. 1557

(2) Upon the expiration, pursuant to division (D) (2) of 1558  
section 147.63 of the Revised Code, of the notary public's 1559  
authorization to conduct online notarizations, the online notary 1560  
public shall transmit the electronic journal to the secretary of 1561  
state or to a repository approved by the secretary of state. The 1562  
secretary of state or repository shall maintain the electronic 1563  
journal for a period of ten years. If the electronic journal is 1564  
transmitted to a repository, the online notary public shall 1565  
inform the secretary of state where the journal is located 1566  
during this period. 1567

(3) If the notary public renews the notary public's authorization to conduct online notarizations pursuant to division (D)(2) 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. 1568  
1569  
1570  
1571  
1572  
1573

(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: 1574  
1575  
1576  
1577

(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. 1578  
1579  
1580

(b) The notary does not surrender possession or control of the journal. 1581  
1582

(c) The person is shown or given a copy of only the entry or entries specified. 1583  
1584

(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. 1585  
1586  
1587

(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. 1588  
1589  
1590

(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. 1591  
1592  
1593  
1594

(4) An attorney authorized to conduct online notarizations 1595

shall only allow inspection, or provide copies, of an entry or 1596  
entries in the attorney's journal if the requesting party was a 1597  
principal in the transaction or transactions to which the 1598  
journal entry or entries apply or if the requesting party is 1599  
acting on a principal's behalf. An attorney may deny a request 1600  
to inspect or receive copies of a journal entry based on 1601  
attorney-client privilege. 1602

(5) The secretary of state, or a repository approved by 1603  
the secretary of state, shall only allow inspection, or provide 1604  
copies of, an entry or entries in a journal deposited with the 1605  
secretary or the repository by an attorney authorized to conduct 1606  
online notarizations if the requesting party was a principal in 1607  
the transaction or transactions to which the journal entry or 1608  
entries apply or if the requesting party is acting on a 1609  
principal's behalf. 1610

(H) (1) The journal may be examined and copied without 1611  
restriction by a law enforcement officer, as defined in section 1612  
2901.01 of the Revised Code, in the course of an official 1613  
investigation, subpoenaed by court order, or surrendered at the 1614  
direction of the secretary of state. 1615

(2) Notwithstanding division (H) (1) of this section, an 1616  
attorney authorized to conduct online notarizations may object 1617  
to the examination, or copying, of the attorney's journal 1618  
pursuant to division (H) (1) of this section based on attorney- 1619  
client privilege. 1620

**Sec. 147.66. (A) An online notary public shall take** 1621  
reasonable steps to ensure that any device or software used to 1622  
create an official electronic signature is current and has not 1623  
been recalled or declared vulnerable by the device or software's 1624  
manufacturer, seller, or developer. 1625

(B) (1) An online notary public shall do both of the 1626  
following: 1627

(a) Except as provided in division (D) (5) (b) of section 1628  
147.65 of the Revised Code, keep the online notary public's 1629  
electronic journal, official electronic signature, and 1630  
electronic seal secure and under the online notary public's 1631  
exclusive control; 1632

(b) Use the online notary public's official electronic 1633  
signature and electronic seal only for performing online 1634  
notarizations or notarizations pursuant to section 147.591 of 1635  
the Revised Code. 1636

(2) An online notary public shall not allow another person 1637  
to use the online notary public's electronic journal, official 1638  
electronic signature, or electronic seal. 1639

(C) (1) A third party keeping and storing electronic 1640  
journals for online notaries public pursuant to division (D) (5) 1641  
(b) of section 147.65 of the Revised Code shall immediately, 1642  
upon discovery, notify the secretary of state, an appropriate 1643  
law enforcement agency, and any affected online notaries public 1644  
of the unauthorized access, modification, transfer, duplication, 1645  
or use of any electronic journals in the third party's 1646  
possession or control. 1647

(2) If notice has not already been given pursuant to 1648  
division (C) (1) of this section, a third party keeping and 1649  
storing electronic journals for online notaries public pursuant 1650  
to division (D) (5) (b) of section 147.65 of the Revised Code 1651  
shall immediately, upon discovery, notify the secretary of state 1652  
and any affected online notaries public of the loss of any 1653  
electronic journals in the third party's possession or control. 1654

(3) If notice has not already been given pursuant to 1655  
division (C) (1) or (2) of this section, an online notary public 1656  
shall immediately, upon discovery, notify an appropriate law 1657  
enforcement agency and the secretary of state of the 1658  
unauthorized access, modification, transfer, duplication, or use 1659  
of the online notary public's electronic journal, official 1660  
electronic signature, or electronic seal. 1661

(4) If notice has not already been given pursuant to 1662  
division (C) (1), (2), or (3) of this section, an online notary 1663  
public shall immediately notify the secretary of state of the 1664  
loss of the online notary public's electronic journal, official 1665  
electronic signature, or electronic seal. 1666

(D) An online notary public shall attach the online notary 1667  
public's electronic signature and electronic seal to the 1668  
notarial certificate of an electronic document in a manner that 1669  
is capable of independent verification and renders any 1670  
subsequent change or modification to the electronic document 1671  
evident. 1672

(E) (1) (a) Upon resignation, revocation, or expiration 1673  
without renewal of an online notary public commission, the 1674  
online notary public shall transmit the electronic journal to 1675  
the secretary of state or to a repository approved by the 1676  
secretary of state. This requirement does not apply to 1677  
electronic journals that, as of the date of the resignation or 1678  
expiration, were no longer kept in accordance with division (F) 1679  
of section 147.65 of the Revised Code. If the electronic journal 1680  
is transmitted to a repository, the online notary public shall 1681  
inform the secretary of state where the journal is located 1682  
during this period. 1683

(b) Upon death or adjudicated incompetence of a current or 1684

former notary public, the executor or administrator of the 1685  
online notary public's estate, the notary's guardian, or any 1686  
other person knowingly in possession of the online notary 1687  
public's electronic journal, shall transmit the journal to the 1688  
secretary of state or to a repository approved by the secretary 1689  
of state. 1690

(2) The online notary public, the notary's personal 1691  
representative or guardian, or the administrator or the executor 1692  
of the notary's estate shall provide access instructions to the 1693  
secretary of state for any electronic journal maintained or 1694  
stored by the online notary public, upon commission resignation, 1695  
revocation, or expiration without renewal, or upon the death or 1696  
adjudicated incompetence of the online notary public, if that 1697  
person is in possession of such instructions. 1698

(3) The secretary of state or repository receiving a 1699  
journal transmitted under division (E) (1) of this section shall 1700  
maintain the journal for a period of ten years. 1701

**Sec. 2303.20.** Under the circumstances described in 1702  
sections 2969.21 to 2969.27 of the Revised Code, the clerk of 1703  
the court of common pleas shall charge the fees and perform the 1704  
other duties specified in those sections. In all other cases, 1705  
the clerk shall charge the following fees and no more: 1706

(A) Twenty-five dollars for each cause of action which 1707  
shall include the following: 1708

(1) Docketing in all dockets; 1709

(2) Filing necessary documents, noting the filing of the 1710  
documents, except subpoena, on the dockets; 1711

(3) Issuing certificate of deposit in foreign writs; 1712

(4) Indexing pending suits and living judgments;	1713
(5) Noting on appearance docket all papers mailed;	1714
(6) Certificate for attorney's fee;	1715
(7) Certificate for stenographer's fee;	1716
(8) Preparing cost bill;	1717
(9) Entering on indictment any plea;	1718
(10) Entering costs on docket and cash book.	1719
(B) Two dollars for taking each undertaking, bond, or recognizance;	1720 1721
(C) Two dollars for issuing each writ, order, or notice, except subpoena;	1722 1723
(D) Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;	1724 1725
(E) Twenty-five dollars for calling a jury in each cause;	1726
(F) Two dollars for each page, for entering on journal, indexing, and posting on any docket;	1727 1728
(G) Three dollars for each execution or transcript of judgment, including indexing;	1729 1730
(H) One dollar for each page, for making complete record, including indexing;	1731 1732
(I) Five dollars for certifying a plat recorded in the county recorder's office;	1733 1734
(J) Five dollars for issuing certificate to receiver or order of reference with oath;	1735 1736
(K) Five dollars for entering satisfaction or partial	1737

satisfaction of each lien on record in the county recorder's office, and the clerk of courts' office;	1738 1739
(L) One dollar for each certificate of fact under seal of the court, to be paid by the party demanding it;	1740 1741
(M) One dollar for taking each affidavit, including certificate and seal;	1742 1743
(N) Two dollars for acknowledging all instruments in writing;	1744 1745
(O) Five dollars for making certificate of judgment;	1746
(P) Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;	1747 1748 1749
(Q) Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;	1750 1751 1752
(R) Five dollars for recording commission of mayor <del> or</del> <del>notary public</del> ;	1753 1754
(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;	1755 1756 1757
(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;	1758 1759 1760
(U) Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;	1761 1762 1763
(V) A commission of two per cent on the first ten thousand	1764

dollars and one per cent on all exceeding ten thousand dollars 1765  
for receiving and disbursing money, other than costs and fees, 1766  
paid to or deposited with the clerk of courts in pursuance of an 1767  
order of court or on judgments, including moneys invested by 1768  
order of the court and interest earned on them; 1769

(W) Five dollars for numbering, docketing, indexing, and 1770  
filing each authenticated or certified copy of the record, or 1771  
any portion of an authenticated or certified copy of the record, 1772  
of an extra county action or proceeding; 1773

(X) Two dollars for each certificate of divorce, 1774  
annulment, or dissolution of marriage to the bureau of vital 1775  
statistics; 1776

(Y) Two dollars for each electronic transmission of a 1777  
document, plus one dollar for each page of that document. These 1778  
fees are to be paid by the party requesting the electronic 1779  
transmission. 1780

(Z) One dollar for each page, for copies of pleadings, 1781  
process, record, or files, including certificate and seal. 1782

**Section 2.** That existing sections 109.572, 147.01, 147.03, 1783  
147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 1784  
147.371, 147.51, 147.55, and 2303.20 and sections 147.02 and 1785  
147.09 of the Revised Code are hereby repealed. 1786

**Section 3.** Sections 1 and 2 of this act take effect one 1787  
year after this act's effective date. 1788