



# OHIO LEGISLATIVE SERVICE COMMISSION

## Sub. Bill Comparative Synopsis

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### Sub. S.B. 263

132nd General Assembly

(H. Government Accountability and Oversight)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Passed by the Senate)	Sub. Version (L_132_1360-11)
<p><b>Attorney notary requirements</b></p>	<p>Specifies that an attorney who is <i>admitted to the practice of law prior</i> to the effective date of the notary provisions (see "<b>Effective date</b>," below) is not required to meet the education or test requirements imposed by the bill (R.C. 147.01(B)(4)(b)).</p> <p>Specifies that an attorney who is admitted to the practice of law after the notary provisions 's effective date is not required to pass a test to become a notary but is required to successfully complete an educational program (R.C. 147.01(B)(4)(a) and (c)).</p>	<p>Specifies that an attorney who is <i>commissioned as a notary</i> prior to the effective date of the notary provisions is not required to meet the education or test requirements imposed by the bill (R.C. 147.01(B)(4)(b)).</p> <p>Specifies that an attorney who <i>applies to become a notary</i> after the provision's effective date is not required to pass a test to become a notary, but is required to complete a related education program (R.C. 147.01(B)(4)(a) and (c)).</p>

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<b>Role of Secretary of State</b>	Requires the Secretary of State (SOS) to oversee the entire process of appointing and commissioning notaries public and generally prohibits the delegation of such responsibilities ( <i>R.C. 147.01(D)</i> ).	Similar, but requires the SOS to oversee the processing and issuance of notary commissions, as well as the creation of an online database of notaries public. Also requires the entities authorized by the SOS to administer the educational program and test to do so ( <i>R.C. 147.01(D)</i> ).
<b>Rules relating to education and testing requirements</b>	Requires the SOS to designate via rule those entities authorized to administer the educational program and test ( <i>R.C. 147.021(B)(1)</i> ).  No provision.	Same, but requires those approved entities to include both of the following: <ul style="list-style-type: none"> <li>• Entities currently performing such services;</li> <li>• Entities that have a business relationship with those entities already performing such services (<i>R.C. 147.021(B)(1)</i>).</li> </ul> Requires the rules to specify the provisions and content of the required test, which is to be established in coordination with those entities authorized to administer the educational program and test ( <i>R.C. 147.021(B)(3)</i> ).
<b>Prohibited actions</b>	Prohibits a notary from certifying that a document is either an original document or a true copy of another record ( <i>R.C. 147.141(A)(5)</i> ).	Clarifies that this provision is not to be construed as prohibiting a notary from notarizing the signature of someone else certifying that the document is a true copy of an original document ( <i>R.C. 147.141(B)</i> ).

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<b>Commission fee</b>	<p>Authorizes the SOS to charge a person receiving a notary commission a fee of up to \$150 (R.C. 147.37).</p> <p>No provision.</p> <p>No provision.</p>	<p>Similar, but requires the SOS to establish the fee.</p> <p>Specifies that a person receiving a notary commission is to remit the fee to the entity that administered the educational program and test to the person. Specifies that a portion of this fee is to go to the SOS. (R.C. 147.37(B).)</p> <p>Requires the SOS to adopt rules pertaining to the following:</p> <ul style="list-style-type: none"> <li>• The fee amount;</li> <li>• The amount a notary is to pay to the SOS;</li> <li>• The amount an attorney notary is to pay to the entity that administered the educational program (R.C. 147.37(C)).</li> </ul>
<b>Electronic signatures</b>	<p>Specifies that an electronic document signed in the physical presence of a notary is to be considered an original document (R.C. 147.591(B)).</p>	<p>Same, but further specifies that a printed copy of such a document is to be accepted by county auditors, engineers, and recorders for purposes of approval, transfer, and recording and is not to be rejected solely by reason of containing electronic signatures or an electronic notarization, including an online notarization, if that document contains the required notarial certificate that specifies that the document was notarized electronically (R.C. 147.591(B)(2)).</p>

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<b>Online notary education requirements</b>	Requires an individual seeking to become an online notary public to complete a course of instruction and test ( <i>R.C. 147.63(B)</i> ).	Same, but requires the SOS to approve one business entity comprised of bar associations with statewide scope and regional presence that have expertise and experience in notary laws and processes to provide the course and administer the test ( <i>R.C. 147.63(B)(2)</i> ).
<b>Renewal requirements</b>	No provision.  No provision.	<p>Specifies that an online authorization is not to be renewed unless the applicant submits all of the following to the educational entity authorized to conduct the online notarization education and examination:</p> <ul style="list-style-type: none"> <li>• A fee of not more than four times the renewal fee for a standard commission (which is required by the bill to be no more than \$60);</li> <li>• A renewal application form;</li> <li>• Evidence of having completed continuing education (<i>R.C. 147.63(D)(3)(b)</i>).</li> </ul> <p>Specifies that if an online authorization expires before the notary submits the application for renewal, the SOS is prohibited from renewing the expired authorization, but may allow that person to apply for a new authorization (<i>R.C. 147.63(D)(3)(c)</i>).</p> <p>Requires online notaries to complete continuing education and requires the SOS to adopt rules specifying the number of hours required and the content of the education (<i>R.C. 147.63(G)</i>).</p>

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<b>Electronic seal fee</b>	No provision.	<p>Allows the SOS to charge each person who is registering to be an online notary a fee for the online notary course of instruction and the examination. Prohibits the SOS from charging such a fee to a notary obtaining such items solely for the purpose of conducting in-person electronic notarizations.</p> <p>Requires an online notary to remit the fee to the entity authorized to conduct the online notarization education course, with a portion of the fee, not to exceed \$20, being sent to the SOS.</p> <p>Requires the SOS to adopt rules setting the fee and the portion the fee to be submitted to the SOS, with the fee being restricted to no more than four times the fee for receiving a standard commission (limited by the bill to less than \$150) (<i>R.C. 147.631</i>).</p>
<b>Salvage motor vehicle title</b>	<p>No provision.</p> <p>No provision.</p>	<p>Specifies that a certificate of title for a vehicle that an insurer has decided to purchase rather than repair, as well as any supporting power of attorney or application for a salvage title, is exempt from the standard notarization and verification requirements of the Certificate of Motor Vehicle Title Law (<i>R.C. 4505.11(C)(1)(a)</i>).</p> <p>Specifies that an application for a salvage title for a vehicle that an insurance company has obtained for which a physical certificate of title was not issued is exempt from the standard notarization and verification requirements of the Certificate of Motor Vehicle Title Law. A power of</p>

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	No provision.	attorney included with such an application is not required to conform to the standard signature requirements prescribed for a power of attorney ( <i>R.C. 4505.11(C)(1)(c)</i> ).  Prohibits a clerk of courts, beginning 90 days after the bill's effective date and ending January 1, 2021, from issuing a salvage title for a motor vehicle, except in certain circumstances ( <i>Section 4</i> ).
<b>Salvage motor vehicle database</b>	No provision.	Moves oversight of the Statewide Salvage Motor Vehicle Database to the Department of Public Safety or a third-party provider pursuant to a contract with the Department ( <i>R.C. 4738.021(B) and (C)</i> ).
<b>Study committee</b>	No provision.	Creates the National Motor Vehicle Title Information System Utilization Study Committee ( <i>Section 5</i> ).
<b>Oil and gas land professionals</b>	No provision.	Exempts oil and land gas professionals from the Real Estate Broker Licensing Law, but requires such professionals to register with the Superintendent of Real Estate and make certain disclosures ( <i>R.C. 4735.01 and 4735.023</i> ).

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<b>Effective dates</b>	Makes the bill's provisions take effect one year after the bill's effective date ( <i>Section 3</i> ).	<p>Applies various effective dates as follows:</p> <ul style="list-style-type: none"> <li>• Provisions related to notaries and online notaries, except those authorizing the SOS to adopt associated rules, effective six months after the bill's effective date;</li> <li>• Provisions related to the transfer of oversight of the Salvage Motor Vehicle Database effective July 1, 2019;</li> <li>• All other provisions would be effective at the earliest time permitted by law, which would be the standard 90-day effective date.</li> </ul> <p>(<i>Section 3</i>).</p>