



# OHIO LEGISLATIVE SERVICE COMMISSION

---

## Bill Analysis

Aida S. Montano

### **H.B. 446**

132nd General Assembly  
(As Introduced)

**Reps.** Rogers and Seitz, Antonio, Becker, Boccieri, Celebrezze, Fedor, Kent, Sheehy, K. Smith

---

## **BILL SUMMARY**

- Subject to specified exceptions, prohibits a person from refusing to accept an acknowledged power of attorney for a transaction or requiring an additional or different form for any authority granted in a statutory power of attorney.
- Provides sanctions for a person who fails to comply with the bill's provisions.

---

## **CONTENT AND OPERATION**

### **Prohibition against refusing to accept acknowledged power of attorney**

The bill prohibits a person from refusing to accept an "acknowledged" (defined as verified before a notary public or other individual authorized to take acknowledgments) power of attorney for a transaction, or requiring an additional or different form of power of attorney for any authority granted in a statutory form power of attorney (note that existing R.C. 1337.60, not changed by the bill, prescribes a statutory form power of attorney) unless one of the following applies:<sup>1</sup>

- The person has actual knowledge of the termination of the agent's authority or of the power of attorney;
- The person in good faith believes that the transaction is outside the scope of the authority granted to the agent in the power of attorney;
- The person in good faith believes that the power of attorney is not valid.

---

<sup>1</sup> R.C. 1337.261(A) and (B).

## Sanctions

The bill provides that a person that fails to comply with the bill is subject to both of the following:<sup>2</sup>

- A court order mandating the acceptance of the power of attorney;
- Liability for reasonable attorneys' fees and costs incurred in any action or proceeding that confirms the power of attorney's validity or mandates its acceptance.

---

## HISTORY

ACTION	DATE
Introduced	12-12-17

H0446-I-132.docx/emr

---

<sup>2</sup> R.C. 1337.261(C).

