

## **As Passed by the House**

**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 Representatives Blessing, Anielski, Carfagna, Craig, Galonski, Hambley, Miller, Perales, Reineke, Ryan, Schuring, Seitz, Slaby, Speaker Smith**

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## **A BILL**

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

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

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

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

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

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

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

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

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

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

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11,	81
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25,	82
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11,	83
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;	84
(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.	85 86 87 88
(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 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 of the person for whom the request is made. The superintendent shall conduct the 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, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:	89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109
(a) A violation of section 959.13, 959.131, 2903.01,	110

2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13,	111
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	112
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	113
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	114
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	115
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	116
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	117
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	118
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	119
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	120
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	121
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	122
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	123
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	124
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	125
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	126
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	127
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	128
(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	129
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	131
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;	133
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	137
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(4) On receipt of a request pursuant to section 2151.86 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 959.13, 2903.01, 2903.02,  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,  
2903.21, 2903.211, 2903.22, 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, 2909.02, 2909.03, 2909.22,  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12,  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,  
2927.12, or 3716.11 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, a violation of section 2925.11 of  
the Revised Code that is not a minor drug possession offense,  
two or more OVI or OVUAC violations committed within the three  
years immediately preceding the submission of the application or  
petition that is the basis of the request, or felonious sexual  
penetration in violation of former section 2907.12 of the

Revised Code;	172
(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)(4)(a) of this section.	173 174 175 176
(5) Upon receipt of a request pursuant to section 5104.013 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 has been convicted of or pleaded guilty to any of the following:	177 178 179 180 181 182 183 184 185 186
(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 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	187 188 189 190 191 192 193 194 195 196 197 198 199 200 201

violation of former section 2907.12 of the Revised Code, a	202
violation of section 2905.04 of the Revised Code as it existed	203
prior to July 1, 1996, a violation of section 2919.23 of the	204
Revised Code that would have been a violation of section 2905.04	205
of the Revised Code as it existed prior to July 1, 1996, had the	206
violation been committed prior to that date, a violation of	207
section 2925.11 of the Revised Code that is not a minor drug	208
possession offense, a violation of section 2923.02 or 2923.03 of	209
the Revised Code that relates to a crime specified in this	210
division, or a second violation of section 4511.19 of the	211
Revised Code within five years of the date of application for	212
licensure or certification.	213
(b) A violation of an existing or former law of this	214
state, any other state, or the United States that is	215
substantially equivalent to any of the offenses or violations	216
described in division (A) (5) (a) of this section.	217
(6) Upon receipt of a request pursuant to section 5153.111	218
of the Revised Code, a completed form prescribed pursuant to	219
division (C) (1) of this section, and a set of fingerprint	220
impressions obtained in the manner described in division (C) (2)	221
of this section, the superintendent of the bureau of criminal	222
identification and investigation shall conduct a criminal	223
records check in the manner described in division (B) of this	224
section to determine whether any information exists that	225
indicates that the person who is the subject of the request	226
previously has been convicted of or pleaded guilty to any of the	227
following:	228
(a) A violation of section 2903.01, 2903.02, 2903.03,	229
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,	230
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,	231

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,	232
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,	233
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12,	234
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02,	235
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former	236
section 2907.12 of the Revised Code, a violation of section	237
2905.04 of the Revised Code as it existed prior to July 1, 1996,	239
a violation of section 2919.23 of the Revised Code that would	240
have been a violation of section 2905.04 of the Revised Code as	241
it existed prior to July 1, 1996, had the violation been	242
committed prior to that date, or a violation of section 2925.11	243
of the Revised Code that is not a minor drug possession offense;	244
(b) A violation of an existing or former law of this	245
state, any other state, or the United States that is	246
substantially equivalent to any of the offenses listed in	247
division (A)(6)(a) of this section.	248
(7) On receipt of a request for a criminal records check	249
from an individual pursuant to section 4749.03 or 4749.06 of the	250
Revised Code, accompanied by a completed copy of the form	251
prescribed in division (C)(1) of this section and a set of	252
fingerprint impressions obtained in a manner described in	253
division (C)(2) of this section, the superintendent of the	254
bureau of criminal identification and investigation shall	255
conduct a criminal records check in the manner described in	256
division (B) of this section to determine whether any	257
information exists indicating that the person who is the subject	258
of the request has been convicted of or pleaded guilty to a	259
felony in this state or in any other state. If the individual	260
indicates that a firearm will be carried in the course of	261
business, the superintendent shall require information from the	262

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

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

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

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14,	294
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,	295
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,	296
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032,	297
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06,	298
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised	299
Code, accompanied by a completed form prescribed under division	300
(C) (1) of this section and a set of fingerprint impressions	301
obtained in the manner described in division (C) (2) of this	302
section, the superintendent of the bureau of criminal	303
identification and investigation shall conduct a criminal	304
records check in the manner described in division (B) of this	305
section to determine whether any information exists that	306
indicates that the person who is the subject of the request has	307
been convicted of or pleaded guilty to any criminal offense in	308
this state or any other state. Subject to division (F) of this	309
section, the superintendent shall send the results of a check	310
requested under section 113.041 of the Revised Code to the	311
treasurer of state and shall send the results of a check	312
requested under any of the other listed sections to the	313
licensing board specified by the individual in the request.	314
(10) On receipt of a request pursuant to section 1121.23,	315
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed	316
form prescribed pursuant to division (C) (1) of this section, and	317
a set of fingerprint impressions obtained in the manner	318
described in division (C) (2) of this section, the superintendent	319
of the bureau of criminal identification and investigation shall	320
conduct a criminal records check in the manner described in	321
division (B) of this section to determine whether any	322
information exists that indicates that the person who is the	323
subject of the request previously has been convicted of or	324

pleaded guilty to any criminal offense under any existing or  
former law of this state, any other state, or the United States. 325  
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(11) On receipt of a request for a criminal records check 327  
from an appointing or licensing authority under section 3772.07 328  
of the Revised Code, a completed form prescribed under division 329  
(C)(1) of this section, and a set of fingerprint impressions 330  
obtained in the manner prescribed in division (C)(2) of this 331  
section, the superintendent of the bureau of criminal 332  
identification and investigation shall conduct a criminal 333  
records check in the manner described in division (B) of this 334  
section to determine whether any information exists that 335  
indicates that the person who is the subject of the request 336  
previously has been convicted of or pleaded guilty or no contest 337  
to any offense under any existing or former law of this state, 338  
any other state, or the United States that is a disqualifying 339  
offense as defined in section 3772.07 of the Revised Code or 340  
substantially equivalent to such an offense. 341

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;	355 356 357 358 359 360 361 362 363
(b) 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)(12)(a) of this section.	364 365 366 367
(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a 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 the following:	368 369 370 371 372 373 374 375 376 377 378
(a) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member	379 380 381 382 383 384

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

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

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

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

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

pharmacy under Chapter 3796. of the Revised Code. 415

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

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

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

in records that have been sealed under section 2953.32 of the  
Revised Code; 445  
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(2) If the request received by the superintendent asks for  
information from the federal bureau of investigation, the  
superintendent shall request from the federal bureau of  
investigation any information it has with respect to the person  
who is the subject of the criminal records check, including  
fingerprint-based checks of national crime information databases  
as described in 42 U.S.C. 671 if the request is made pursuant to  
section 2151.86 or 5104.013 of the Revised Code or if any other  
Revised Code section requires fingerprint-based checks of that  
nature, and shall review or cause to be reviewed any information  
the superintendent receives from that bureau. If a request under  
section 3319.39 of the Revised Code asks only for information  
from the federal bureau of investigation, the superintendent  
shall not conduct the review prescribed by division (B)(1) of  
this section. 460  
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(3) The superintendent or the superintendent's designee  
may request criminal history records from other states or the  
federal government pursuant to the national crime prevention and  
privacy compact set forth in section 109.571 of the Revised  
Code. 466

(4) The superintendent shall include in the results of the  
criminal records check a list or description of the offenses  
listed or described in division (A)(1), (2), (3), (4), (5), (6),  
(7), (8), (9), (10), (11), (12), (13), ~~or (14), or (15)~~ of this  
section, whichever division requires the superintendent to  
conduct the criminal records check. The superintendent shall  
exclude from the results any information the dissemination of  
which is prohibited by federal law. 474

(5) The superintendent shall send the results of the  
criminal records check to the person to whom it is to be sent  
not later than the following number of days after the date the  
superintendent receives the request for the criminal records  
check, the completed form prescribed under division (C)(1) of  
this section, and the set of fingerprint impressions obtained in  
the manner described in division (C)(2) of this section: 475  
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(a) If the superintendent is required by division (A) of  
this section (other than division (A)(3) of this section) to  
conduct the criminal records check, thirty; 482  
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(b) If the superintendent is required by division (A)(3)  
of this section to conduct the criminal records check, sixty. 485  
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(C)(1) The superintendent shall prescribe a form to obtain  
the information necessary to conduct a criminal records check  
from any person for whom a criminal records check is to be  
conducted under this section. The form that the superintendent  
prescribes pursuant to this division may be in a tangible  
format, in an electronic format, or in both tangible and  
electronic formats. 487  
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(2) The superintendent shall prescribe standard impression  
sheets to obtain the fingerprint impressions of any person for  
whom a criminal records check is to be conducted under this  
section. Any person for whom a records check is to be conducted  
under this section shall obtain the fingerprint impressions at a  
county sheriff's office, municipal police department, or any  
other entity with the ability to make fingerprint impressions on  
the standard impression sheets prescribed by the superintendent.  
The office, department, or entity may charge the person a  
reasonable fee for making the impressions. The standard  
impression sheets the superintendent prescribes pursuant to this 494  
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division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.	505 506
(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.	507 508 509 510 511 512 513 514
(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.	515 516 517 518 519
(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.	520 521 522 523 524 525 526 527 528 529 530
(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of	531 532 533 534

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

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

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

(G) As used in this section: 556

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

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

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

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

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

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

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

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

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

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

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

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

is an attorney admitted to the practice of law in this state by  
the Ohio supreme court, and has the person's principal place of  
business or the person's primary practice in this state. 592  
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(3) (a) Except as provided in division (B) (3) (b) of this 595  
section, the person has submitted a criminal records check 596  
report completed within the preceding six months in accordance 597  
with section 147.022 of the Revised Code demonstrating that the 598  
applicant has not been convicted of or pleaded guilty or no 599  
contest to a disqualifying offense, or any offense under an 600  
existing or former law of this state, any other state, or the 601  
United States that is substantially equivalent to such a 602  
disqualifying offense. 603

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

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

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

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

(C) A notary public shall be appointed and commissioned as  
a notary public for the state. The secretary of state may revoke  
a commission issued to a notary public upon presentation of  
satisfactory evidence of official misconduct or incapacity. 621  
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(D) The secretary of state shall oversee the processing of 625  
notary public applications and shall issue all notary public 626  
commissions. The secretary of state shall oversee the creation 627  
and maintenance of the online database of notaries public 628  
commissioned in this state pursuant to section 147.051 of the 629  
Revised Code. The secretary of state may perform all other 630  
duties as required by this section. The entities authorized by 631  
the secretary of state pursuant to section 147.021 or 147.63 of 632  
the Revised Code shall administer the educational program and 633  
required test or course of instruction and examination, as 634  
applicable. 635

(E) All submissions to the secretary of state for 636  
receiving and renewing commissions, or notifications made under 637  
section 147.05 of the Revised Code, shall be done 638  
electronically. 639

**Sec. 147.011. As used in this chapter:** 640

(A) "Acknowledgment" means a notarial act in which the 641  
signer of the notarized document acknowledges all of the 642  
following: 643

(1) That the signer has signed the document; 644  
(2) That the signer understands the document; 645  
(3) That the signer is aware of the consequences of 646  
executing the document by signing it. 647

(B) "Criminal records check" has the same meaning as in 648

<u>section 109.572 of the Revised Code.</u>	649
<u>(C) "Disqualifying offense"</u> means a crime of moral turpitude as defined in section 4776.10 of the Revised Code and a violation of a provision of Chapter 2913. of the Revised Code.	650 651 652
<u>(D) "Jurat"</u> means a notarial act in which both of the following are met:	653 654
<u>(1) The signer of the notarized document is required to give an oath or affirmation that the statement in the notarized document is true and correct;</u>	655 656 657
<u>(2) The signer signs the notarized document in the presence of a notary public.</u>	658 659
<u>(E) "Notarial certificate"</u> means the part of, or attachment to, a document that is completed by the notary public and upon which the notary public places the notary public's signature and seal.	660 661 662 663
<u><b>Sec. 147.021.</b> (A) (1) Except as provided in division (B) (4) of section 147.01 of the Revised Code, no person shall be appointed as a notary public unless that person has completed an educational program related to the requirements of this chapter and passed a test demonstrating knowledge of such requirements.</u>	664 665 666 667 668
<u>(2) The secretary of state may authorize that such a program be completed online.</u>	669 670
<u>(B) The secretary of state shall adopt, in rules under Chapter 119. of the Revised Code, standards and curricula for the educational program required under this section. The rules shall address all of the following:</u>	671 672 673 674
<u>(1) The entities authorized to administer the educational program and the required test, which shall include the following</u>	675 676

<u>entities that meet the minimum requirements established by the secretary of state:</u>	677
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(a) <u>Those entities providing notary public educational programming and testing services prior to the effective date of this section;</u>	679
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(b) <u>Another entity that has a business relationship with an entity described in division (B) (1) (a) of this section.</u>	682
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(2) <u>The standards and curricula of the program, which shall be established in coordination with the entities authorized to administer the program and the required test and shall include all of the following:</u>	684
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(a) <u>The terms of notary commission;</u>	688
(b) <u>How to renew a commission;</u>	689
(c) <u>The conditions under which a commission may be revoked;</u>	690
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(d) <u>What constitutes a legal notarial act;</u>	692
(e) <u>The manner of taking depositions;</u>	693
(f) <u>The taking of an acknowledgment;</u>	694
(g) <u>The administration of a jurat.</u>	695
(3) <u>The provisions and content of the required test, which shall be established in coordination with the entities authorized to administer the educational program and required test.</u>	696
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<b>Sec. 147.022.</b> (A) (1) <u>The secretary of state shall require each applicant for a notary commission, other than an attorney licensed to practice law in this state, to complete a criminal records check.</u>	700
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<u>(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.</u>	704 705 706
<u>(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.</u>	707 708 709 710 711 712 713 714 715
<u>(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.</u>	716 717 718 719
<u>(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:</u>	720 721 722 723 724 725
<u>(1) The person who is the subject of the criminal records check or the person's representative;</u>	726 727
<u>(2) The secretary of state and the staff of the secretary of state;</u>	728 729
<u>(3) A court, hearing officer, or other necessary individual involved in a case dealing with a commission denial resulting from the criminal records check.</u>	730 731 732

<u>(E) The secretary of state shall deny a notary commission application if, after receiving the information and notification required by this section, a person subject the criminal records check requirement fails to do either of the following:</u>	733 734 735 736
<u>(1) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;</u>	737 738 739 740 741
<u>(2) Submit the completed report of the criminal records check to the secretary of state.</u>	742 743
<b>Sec. 147.03.</b> Each notary public, except an attorney admitted to the practice of law in this state by the Ohio supreme court, shall hold office for the term of five years unless the commission is revoked. An attorney admitted to the practice of law in this state by the Ohio supreme court shall hold office as a notary public as long as the attorney is a resident of this state or has the attorney's principal place of business or primary practice in this state, the attorney is in good standing before the Ohio supreme court, and the commission is not revoked. Before entering upon the duties of office, a notary public shall take and subscribe an oath to be endorsed on the notary public's commission.	744 745 746 747 748 749 750 751 752 753 754 755
A notary public who violates the oath of office required by this section shall be removed from office by the <del>court of common pleas of the county in which the notary public resides</del> <del>secretary of state</del> , upon complaint filed and substantiated in the court, and the court, upon removing a notary public from office, shall certify the removal to <del>by</del> the secretary of state. The person so removed shall be ineligible for reappointment to	756 757 758 759 760 761 762

the office of notary public. 763

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

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

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

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

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

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

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

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

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

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

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

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

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

~~commission the time that the clerk received the commission for record and make a proper index to all commissions so recorded. For recording and indexing a commission, the fee of the clerk shall be as provided in division (R) of section 2303.20 of the Revised Code.~~ 849  
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(B)—The secretary of state shall maintain a record of the commissions of each notary public appointed and commissioned by the secretary of state under this chapter and make a proper index to that record. 854  
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The governor's office shall transfer to the secretary of state's office, on or after June 6, 2001, the record of notaries public formerly kept by the governor's office under section 107.10 of the Revised Code. The secretary of state's office shall maintain that record together with the record and index of commissions of notaries public required by this division. 858  
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(C)—(B) If a notary public legally changes the notary public's name or address after having been commissioned as a notary public, the notary public shall notify the secretary of state ~~and the appropriate clerk of courts~~ within thirty days after the name or address change. ~~Notification to the secretary of state~~ Such a notification shall be on a form prescribed by the secretary of state. 864  
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(D)—(C) A notary, other than an attorney, who resigns the person's commission shall deliver to the secretary of state, on a form prescribed by the secretary of state, a written notice indicating the effective date of resignation. 871  
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(D)(1) A notary shall inform the secretary of state of being convicted of or pleading guilty or no contest to any disqualifying offense, as defined in section 147.011 of the 875  
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Revised Code, or any offense under an existing or former law of 878  
this state, any other state, or the United States that is 879  
substantially equivalent to such a disqualifying offense during 880  
the term of the notary's commission. 881

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) A notary charging the fee authorized under division

(A) (2) of this section shall not also charge the fee authorized

<u>under division (A) (1) of this section.</u>	935
<u>(C) The fees charged under division (A) of this section</u>	936
<u>shall not be calculated on a per signature basis.</u>	937
<u>(D) In addition to the fees authorized under division (A)</u>	938
<u>of this section, a notary may charge a reasonable travel fee, as</u>	939
<u>agreed to by the notary and the principal prior to the notarial</u>	940
<u>act.</u>	941
<u>(E) The secretary of state may adopt rules under Chapter</u>	942
<u>119. of the Revised Code to increase the fees authorized under</u>	943
<u>this section.</u>	944
<b>Sec. 147.13.</b> 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 <u>secretary of state</u> , upon complaint filed and substantiated in the court. The court shall certify the removal to <u>by</u> the secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public.	945 946 947 948 949 950 951 952 953 954
<b>Sec. 147.14.</b> 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 reappointment for a period of three years.	955 956 957 958 959 960 961 962
<b>Sec. 147.141.</b> (A) A notary public shall not do any of the	963

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

<u>(10) Notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization;</u>	991 992 993
<u>(11) Alter anything in a written instrument after it has been signed by anyone;</u>	994 995
<u>(12) Amend or alter a notarial certificate after the notarization is complete;</u>	996 997
<u>(13) Notarize a signature on a document if the document is incomplete or blank;</u>	998 999
<u>(14) Notarize a signature on a document if it appears that the signer may be unduly influenced or coerced so as to be restricted from or compromised in exercising the person's own free will when signing the document;</u>	1000 1001 1002 1003
<u>(15) Take an acknowledgment of execution in lieu of an oath or affirmation if an oath or affirmation is required;</u>	1004 1005
<u>(16) Determine the validity of a power of attorney document or any other form designating a representative capacity, such as trustee, authorized officer, agent, personal representative, or guardian, unless that notary is an attorney licensed to practice law in this state.</u>	1006 1007 1008 1009 1010
<u>(B) Division (A) (5) of this section shall not be construed as prohibiting a notary from notarizing the signature of a holder of a document on a written statement certifying that the document is a true copy of an original document.</u>	1011 1012 1013 1014
<u>(C) As used in this section, "conflict of interest" means either of the following:</u>	1015 1016
<u>(1) The notary has a direct financial or other interest in the transaction in question, excluding the fees authorized under</u>	1017 1018

<u>this chapter.</u>	1019
<u>(2) The notary is named, individually or as a grantor,</u>	1020
<u>grantee, mortgagor, mortgagee, trustor, trustee, beneficiary,</u>	1021
<u>vendor, lessor, or lessee, or as a party in some other capacity</u>	1022
<u>to the transaction.</u>	1023
<u><b>Sec. 147.142.</b> (A) A notary public who is not a licensed</u>	1024
<u>attorney in this state shall not represent or advertise himself</u>	1025
<u>or herself as an immigration consultant or an expert in</u>	1026
<u>immigration matters.</u>	1027
<u>(B) A notary public who is not a licensed attorney in this</u>	1028
<u>state shall not do any of the following:</u>	1029
<u>(1) Provide any service that constitutes the unauthorized</u>	1030
<u>practice of law in violation of section 4705.07 of the Revised</u>	1031
<u>Code;</u>	1032
<u>(2) State or imply that the notary is an attorney licensed</u>	1033
<u>to practice law in this state;</u>	1034
<u>(3) Solicit or accept compensation to prepare documents</u>	1035
<u>for or otherwise represent the interest of another person in a</u>	1036
<u>judicial or administrative proceeding, including a proceeding</u>	1037
<u>relating to immigration to the United States, United States</u>	1038
<u>citizenship, or related matters;</u>	1039
<u>(4) Solicit or accept compensation to obtain relief of any</u>	1040
<u>kind on behalf of another from any officer, agency, or employee</u>	1041
<u>of this state or of the United States;</u>	1042
<u>(5) Use the phrase "notario" or "notario publico" to</u>	1043
<u>advertise the services of a notary public, whether by sign,</u>	1044
<u>pamphlet, stationery, or other written communication, or by</u>	1045
<u>radio, television, or other non-written communication.</u>	1046

<b>Sec. 147.37.</b> <u>Each person receiving a commission as notary public, including an attorney admitted to the practice of law in this state by the Ohio supreme court, shall pay (A) The secretary of state shall establish a fee of fifteen not more than one hundred fifty dollars to the secretary of state be paid by each person receiving a commission as notary public.</u>	1047 1048 1049 1050 1051 1052
<u>(B) The notary public shall remit the fee to the authorized entity that administered the educational program and test required by section 147.021 of the Revised Code. The notary public shall remit to the secretary of state the portion of that fee specified pursuant to division (C) (2) of this section.</u>	1053 1054 1055 1056 1057
<u>(C) The secretary of state shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:</u>	1058 1059 1060
<u>(1) Establish the amount of the fee authorized by division (A) of this section;</u>	1061 1062
<u>(2) Establish the portion of the fee, not to exceed fifteen dollars, that the notary public is required to remit to the secretary of state;</u>	1063 1064 1065
<u>(3) Establish the portion of the fee that a notary who is an attorney shall remit to the entity that administered the educational program.</u>	1066 1067 1068
<b>Sec. 147.371.</b> (A) Upon receipt of a fee of two dollars and an affidavit that the original commission of a notary public has been lost or destroyed, a duplicate commission as notary public shall be issued by the secretary of state.	1069 1070 1071 1072
(B) Upon receipt of a fee of two dollars and the properly completed, prescribed form for a name and address change under division <del>(C)</del> —(B) of section 147.05 of the Revised Code, the	1073 1074 1075

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

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

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

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

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

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

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

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

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

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

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

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

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

"State of ..... 1169

County of ..... 1170

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

(Signature of person taking acknowledgment) 1173

(Title or rank) 1174

(Serial number, if any)" 1175

(B) "For a corporation: 1176

"State of ..... 1177

County of ..... 1178

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

(Signature of person taking acknowledgment) 1183

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

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

<u>(2) Both the individual and the designated alternative signer provide satisfactory identification to the notary public.</u>	1233 1234
<u>(3) The designated alternative signer signs the document in the presence of the notary public.</u>	1235 1236
<u>(4) The designated alternative signer is not named in the document.</u>	1237 1238
<u>(5) The notarial certificate provided to the individual gives the name of the designated alternative signer and states that the document was signed under this section at the direction of the individual.</u>	1239 1240 1241 1242
<u>(B) An individual may use a designated alternative signer to perform an online notarial act if all of the requirements of division (A) of this section are met.</u>	1243 1244 1245
<u><b>Sec. 147.591.</b> (A) As used in this section, "electronic document," "electronic seal," "electronic signature," and "online notarization" have the same meanings as in section 147.60 of the Revised Code.</u>	1246 1247 1248 1249
<u>(B) (1) An electronic document that is signed in the physical presence of the notary public with an electronic signature and notarized with an electronic seal shall be considered an original document.</u>	1250 1251 1252 1253
<u>(2) Notwithstanding any other provision of the Revised Code to the contrary, a printed copy of a document executed electronically by the parties and acknowledged or sworn before a notary acting pursuant to this section shall be accepted by county auditors, engineers, and recorders for purposes of approval, transfer, and recording to the same extent as any other document that is submitted by an electronic recording method and shall not be rejected solely by reason of containing</u>	1254 1255 1256 1257 1258 1259 1260 1261

electronic signatures or an electronic notarization, including 1262  
an online notarization, if that document contains the 1263  
certificate required under division (G) of section 147.542 of 1264  
the Revised Code, including the notification required under 1265  
division (G) (7) of that section. 1266

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

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

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

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

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

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

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

<u>(J) "Online notary public"</u> means a notary public who has been duly appointed and commissioned under section 147.01 of the Revised Code and has received authorization by the secretary of state under section 147.63 of the Revised Code to perform online notarizations.	1319
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<u>(K) "Principal"</u> means a natural person whose electronic signature is notarized in an online notarization, or the natural person taking an oath or affirmation from the online notary public. "Principal" does not include a natural person taking an oath or giving an affirmation in the capacity of a witness for the online notarization.	1324
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<u>(L) "Remote presentation"</u> means transmission to an online notary public through live two-way video and audio conference technology of an image of a government-issued identification credential that is of sufficient quality to enable the online notary public to identify the principal seeking the online notary public's services and to perform credential analysis.	1330
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<u>(M) "Territory of the United States"</u> means the United States, Puerto Rico, the United States Virgin Islands, and any territory, insular possession, or other location subject to the jurisdiction of the United States.	1336
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<u>Sec. 147.61.</u> Sections 147.60 to 147.66 of the Revised Code apply to online notarizations and online notaries public. To the extent that a provision of sections 147.60 to 147.66 of the Revised Code conflicts with another provision of this chapter or other applicable law, sections 147.60 to 147.66 of the Revised Code supersede the provision.	1340
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<u>Sec. 147.62.</u> (A) The secretary of state shall adopt rules under Chapter 119. of the Revised Code necessary to implement,	1346
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<u>set, and maintain standards for online notarizations and online</u>	1348
<u>notaries public. Such rules shall address, at a minimum, all of</u>	1349
<u>the following:</u>	1350
(1) <u>The standards, procedures, application forms, and fees</u>	1351
<u>for the authorization of a notary public to act as an online</u>	1352
<u>notary public;</u>	1353
(2) <u>The means of performing online notarizations;</u>	1354
(3) <u>Standards for the technology to be used in online</u>	1355
<u>notarizations;</u>	1356
(4) <u>Standards for remote presentation, credential</u>	1357
<u>analysis, and identity proofing;</u>	1358
(5) <u>Standards for the retention of records relating to</u>	1359
<u>online notarizations;</u>	1360
(6) <u>The modification of forms of notarial certificates for</u>	1361
<u>any notarial act that is an online notarization;</u>	1362
(7) <u>Standards and requirements for the termination of a</u>	1363
<u>notary public's authorization to perform online notarizations.</u>	1364
(B) <u>The office of information technology in the department</u>	1365
<u>of administrative services shall provide assistance to the</u>	1366
<u>secretary of state relating to the equipment, security, and</u>	1367
<u>technological aspects of the standards established under this</u>	1368
<u>section.</u>	1369
<b>Sec. 147.63. (A) A notary public who has been duly</b>	1370
<u>appointed and commissioned under section 147.01 of the Revised</u>	1371
<u>Code, and who is a resident of this state, may apply to the</u>	1372
<u>secretary of state to be authorized to act as an online notary</u>	1373
<u>public during the term of that notary public's commission. A</u>	1374
<u>state resident commissioned as a notary public qualifies to be</u>	1375

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

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

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

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

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

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

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

<u>to the secretary of state through the entity authorized in this section all of the following:</u>	1433
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<u>(i) A fee, set by the secretary of state, of not more than four times the fee prescribed in division (B) (2) of section 147.031 of the Revised Code;</u>	1435
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<u>(ii) An application for renewal on a form prescribed by the secretary;</u>	1438
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<u>(iii) Evidence of having completed continuing education, as required under division (G) of this section.</u>	1440
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<u>(c) If a notary public's online notarization authorization expires before the notary submits the application for renewal, the secretary of state shall not renew that expired authorization but shall permit that person to apply for a new online notarization authorization.</u>	1442
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<u>(4) 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 on the earlier of five years after the date the authorization is granted or when the attorney's term of office as a notary public ends.</u>	1447
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<u>(5) An attorney authorized to perform online notarizations may apply to renew the attorney's authorization three months prior to the authorization's expiration date.</u>	1452
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<u>(6) (a) The secretary may deny an application for an online notary public if any of the required information is missing or incorrect on the application form.</u>	1455
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<u>(b) The secretary may also deny an application if the technology the applicant identifies pursuant to division (C) (2) of this section does not conform to the standards developed by</u>	1458
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<u>the secretary pursuant to section 147.62 of the Revised Code.</u>	1461
<u>(E) Nothing in this section shall be construed as prohibiting an online notary public from receiving, installing, and utilizing a software update to the technology that the online notary public disclosed pursuant to division (C)(2) of this section if that software update does not result in a technology that is materially different from the technology that the online notary public disclosed pursuant to division (C)(2) of this section.</u>	1462 1463 1464 1465 1466 1467 1468 1469
<u>(F)(1) If a notary public changes either the hardware or the software that the notary intends to use to carry out online notarizations, then the notary shall inform the secretary of this intent on a form prescribed by the secretary.</u>	1470 1471 1472 1473
<u>(2) If the secretary determines that the new hardware or software does not meet the standards prescribed in rules under section 147.62 of the Revised Code, then the secretary may suspend or revoke the notary's authority to perform online notarizations.</u>	1474 1475 1476 1477 1478
<u>(G)(1) The secretary of state shall not renew an online notarization authorization unless the applicant has completed continuing education as required under rules adopted pursuant to division (G)(2) of this section.</u>	1479 1480 1481 1482
<u>(2) The secretary shall adopt rules in accordance with Chapter 119. of the Revised Code related to continuing education requirements for an online notarization authorization. The rules shall specify the number of hours of continuing education a notary must complete over the duration of the notary's license and may specify content to be included in the continuing education.</u>	1483 1484 1485 1486 1487 1488 1489

<u><b>Sec. 147.631.</b></u>	<u>(A) (1)</u>	The secretary of state may charge a fee for the online notary course of instruction and examination to each person who is registering to be an online notary.	1490
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	<u>(2)</u>	The secretary shall not charge a fee to a notary obtaining an electronic seal and signature solely for the purpose of conducting notarizations as described in section 147.591 of the Revised Code.	1493
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	<u>(B)</u>	The notary public taking the online notary course of instruction and the examination shall remit the fee to the authorized entity that administered the online notary course of instruction and examination required by division (B) of section 147.63 of the Revised Code. The notary public shall remit to the secretary of state the portion of that fee specified pursuant to division (C) (2) of this section.	1497
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	<u>(C)</u>	The secretary of state shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:	1504
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			1506
	<u>(1)</u>	Establish the amount of the fee authorized by division (A) of this section, which shall not exceed four times the amount of the fee established pursuant to division (C) (1) of section 147.37 of the Revised Code;	1507
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	<u>(2)</u>	Establish the portion of the fee, not to exceed twenty dollars, that the notary public is required to remit to the secretary of state.	1511
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	<u><b>Sec. 147.64.</b></u>	<u>(A) (1)</u> Except as provided in division (A) (3) of this section, an online notary public has the authority to perform any notarial act as an online notarization.	1514
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	<u>(2)</u>	An electronic document notarized through an online notarization shall be considered an original document.	1517
			1518

<u>(3) An online notary public shall not take or certify a deposition as an online notarization.</u>	1519 1520
<u>(B) A notary public of this state who has been authorized by the secretary of state to perform online notarizations may perform online notarizations only if both of the following conditions are met:</u>	1521 1522 1523 1524
<u>(1) The online notary public is a resident of this state.</u>	1525
<u>(2) The online notary public is located within the geographical boundaries of this state at the time of the online notarization.</u>	1526 1527 1528
<u>(C) (1) A notary public may perform an online notarization by means of audio-video communication in compliance with this act and any other rules adopted by the secretary of state for any principal who is located within the territory of the United States.</u>	1529 1530 1531 1532 1533
<u>(2) A notary public may perform an online notarization for a principal located outside the territory of the United States only if both of the following conditions are met:</u>	1534 1535 1536
<u>(a) The act is not known by the notary public to be prohibited in the jurisdiction in which the principal is physically located at the time of the act.</u>	1537 1538 1539
<u>(b) The record meets any of the following:</u>	1540
<u>(i) Is part of, or pertains to, a matter that is to be filed with or is before a court, governmental entity, or other entity located in the territorial jurisdiction of the United States;</u>	1541 1542 1543 1544
<u>(ii) Involves real or personal property located in the territorial jurisdiction of the United States;</u>	1545 1546

<u>(iii) Is part of, or pertains to, a transaction substantially connected with the United States.</u>	1547 1548
<u>(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.</u>	1549 1550 1551 1552 1553
<u>(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.</u>	1554 1555 1556 1557 1558 1559
<u>(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:</u>	1560 1561 1562 1563
<u>(a) All of the following:</u>	1564
<u>(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;</u>	1565 1566 1567 1568
<u>(ii) Credential analysis of the identification credentials provided;</u>	1569 1570
<u>(iii) Identity proofing of the principal.</u>	1571
<u>(b) Verification by one or more credible witnesses who appear in person before the notary and who can be identified by either personal knowledge or all of the following:</u>	1572 1573 1574

<u>(i) Presentation of a government-issued identification credential, including a passport or driver's license, that contains the signature and photograph of the witness;</u>	1575
<u>(ii) Credential analysis of the identification credentials provided;</u>	1576
<u>(iii) Identity proofing of the witness.</u>	1577
<u>(F) The secretary of state shall include in rules adopted under section 147.62 of the Revised Code modified forms of notarial certificates for any notarial act that is an online notarization.</u>	1578
<u>(Sec. 147.65. (A) An online notary public shall maintain one or more electronic journals in which the online notary public records, in chronological order, all online notarizations that the online notary public performs. The electronic journal shall enable access by a password or other secure means of authentication and be in a tamper-evident electronic format complying with the rules of the secretary of state adopted under section 147.62 of the Revised Code.</u>	1579
<u>(B) For every online notarization, the online notary public shall record the following information in the electronic journal:</u>	1580
<u>(1) The date and time of the notarial act;</u>	1581
<u>(2) The type of notarial act;</u>	1582
<u>(3) The title or a description of the record being notarized, if any;</u>	1583
<u>(4) The electronic signature of each principal;</u>	1584
<u>(5) The printed full name and address of each principal;</u>	1585
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<u>(6) If identification of the principal is based on personal knowledge, a statement to that effect;</u>	1602 1603
<u>(7) If identification of the principal is based on satisfactory evidence of identity pursuant to division (E) (2) of section 147.64 of the Revised Code, a description of the evidence relied upon, including the date of issuance or expiration of any identification credential presented;</u>	1604 1605 1606 1607 1608
<u>(8) If identification of the principal is based on a credible witness or witnesses, the name of the witness or witnesses;</u>	1609 1610 1611
<u>(9) If the notarization was not performed at the online notary public's business address, the address where the notarization was performed;</u>	1612 1613 1614
<u>(10) A description of the online notarization system used;</u>	1615
<u>(11) The fee, if any, charged by the notary;</u>	1616
<u>(12) The name of the jurisdiction in which the principal was located at the time of the online notarization;</u>	1617 1618
<u>(13) The recording upon which the identification of the principal is based, as required under division (D) (3) of this section;</u>	1619 1620 1621
<u>(14) Any other information required by the secretary of state.</u>	1622 1623
<u>(C) An online notary public shall not record a social security number in the electronic journal.</u>	1624 1625
<u>(D) An online notary public shall do all of the following:</u>	1626
<u>(1) Take reasonable steps to ensure the integrity, security, and authenticity of online notarizations;</u>	1627 1628

<u>(2) Take reasonable steps to ensure that the two-way, audio-video communication used in an online notarization is secure from unauthorized interception;</u>	1629 1630 1631
<u>(3) Create and maintain pursuant to this section a complete recording of the audio-video communication that is the basis for identification of a principal for each online notarization;</u>	1632 1633 1634 1635
<u>(4) Maintain a backup for the electronic journal required by division (A) of this section and the audio-video recordings required by division (D) (3) of this section;</u>	1636 1637 1638
<u>(5) (a) Safeguard the electronic journal and all other notarial records by doing all of the following:</u>	1639 1640
<u>(i) Not allowing the electronic journal to be used by another notary;</u>	1641 1642
<u>(ii) Creating the audio-video recording required under division (D) (3) of this section in a tamper-evident electronic format complying with the rules of the secretary of state adopted under section 147.62 of the Revised Code;</u>	1643 1644 1645 1646
<u>(iii) Protecting the electronic journal and audio-video recordings from unauthorized use.</u>	1647 1648
<u>(b) An online notary public may use a third party to keep and store the electronic journal. The secretary of state shall adopt, in rules under Chapter 119. of the Revised Code, standards pertaining to the use of such a third party.</u>	1649 1650 1651 1652
<u>(6) Surrender or destroy the electronic journal and all other notarial records only by rule of law, by court order, or at the direction of the secretary of state;</u>	1653 1654 1655
<u>(7) Not surrender the electronic journal to an employer</u>	1656

<u>upon termination of employment.</u>	1657
<u>(E) (1) An employer shall not retain the electronic journal of an employee who is an online notary public when the notary's employment ceases.</u>	1658 1659 1660
<u>(2) Notwithstanding division (E) (1) of this section, an online notary public may make an agreement with a current or former employer pursuant to division (D) (5) (b) of this section.</u>	1661 1662 1663
<u>(3) An online notary public may use any current or former employer approved as a repository by the secretary of state to meet all applicable repository requirements of this section or section 147.66 of the Revised Code and any associated rules.</u>	1664 1665 1666 1667
<u>(F) (1) Except as provided in division (E) of section 147.66 of the Revised Code, an electronic journal required under division (A) of this section and the audio-video recordings required by division (D) (3) of this section shall be maintained by the online notary public during the term of the online notary public's authorization to perform online notarizations.</u>	1668 1669 1670 1671 1672 1673
<u>(2) Upon the expiration, pursuant to division (D) of section 147.63 of the Revised Code, of the notary public's authorization to conduct online notarizations, the online notary public shall transmit the electronic journal to the secretary of state or to a repository approved by the secretary of state. The secretary of state or repository shall maintain the electronic journal for a period of ten years. If the electronic journal is transmitted to a repository, the online notary public shall inform the secretary of state where the journal is located during this period.</u>	1674 1675 1676 1677 1678 1679 1680 1681 1682 1683
<u>(3) If the notary public renews the notary public's authorization to conduct online notarizations pursuant to</u>	1684 1685

<u>division (D) of section 147.63 of the Revised Code, the notary public shall, beginning on the date the renewal is effective, maintain a new electronic journal in accordance with this section.</u>	1686 1687 1688 1689
<u>(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:</u>	1690 1691 1692 1693
<u>(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.</u>	1694 1695 1696
<u>(b) The notary does not surrender possession or control of the journal.</u>	1697 1698
<u>(c) The person is shown or given a copy of only the entry or entries specified.</u>	1699 1700
<u>(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.</u>	1701 1702 1703
<u>(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.</u>	1704 1705 1706
<u>(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.</u>	1707 1708 1709 1710
<u>(4) An attorney authorized to conduct online notarizations shall only allow inspection, or provide copies, of an entry or entries in the attorney's journal if the requesting party was a</u>	1711 1712 1713

principal in the transaction or transactions to which the 1714  
journal entry or entries apply or if the requesting party is 1715  
acting on a principal's behalf. An attorney may deny a request 1716  
to inspect or receive copies of a journal entry based on 1717  
attorney-client privilege. 1718

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

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

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

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

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

<u>following:</u>	1743
(a) <u>Except as provided in division (D) (5) (b) of section 147.65 of the Revised Code, keep the online notary public's electronic journal, official electronic signature, and electronic seal secure and under the online notary public's exclusive control;</u>	1744 1745 1746 1747 1748
(b) <u>Use the online notary public's official electronic signature and electronic seal only for performing online notarizations or notarizations pursuant to section 147.591 of the Revised Code.</u>	1749 1750 1751 1752
(2) <u>An online notary public shall not allow another person to use the online notary public's electronic journal, official electronic signature, or electronic seal.</u>	1753 1754 1755
(C) (1) <u>A third party keeping and storing electronic journals for online notaries public pursuant to division (D) (5) (b) of section 147.65 of the Revised Code shall immediately, upon discovery, notify the secretary of state, an appropriate law enforcement agency, and any affected online notaries public of the unauthorized access, modification, transfer, duplication, or use of any electronic journals in the third party's possession or control.</u>	1756 1757 1758 1759 1760 1761 1762 1763
(2) <u>If notice has not already been given pursuant to division (C) (1) of this section, a third party keeping and storing electronic journals for online notaries public pursuant to division (D) (5) (b) of section 147.65 of the Revised Code shall immediately, upon discovery, notify the secretary of state and any affected online notaries public of the loss of any electronic journals in the third party's possession or control.</u>	1764 1765 1766 1767 1768 1769 1770
(3) <u>If notice has not already been given pursuant to</u>	1771

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

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

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

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

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

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

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

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

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

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

(1) Docketing in all dockets; 1825

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

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

(4) Indexing pending suits and living judgments; 1829

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

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

for receiving and disbursing money, other than costs and fees, paid to or deposited with the clerk of courts in pursuance of an order of court or on judgments, including moneys invested by order of the court and interest earned on them;	1882 1883 1884 1885
(W) Five dollars for numbering, docketing, indexing, and filing each authenticated or certified copy of the record, or any portion of an authenticated or certified copy of the record, of an extra county action or proceeding;	1886 1887 1888 1889
(X) Two dollars for each certificate of divorce, annulment, or dissolution of marriage to the bureau of vital statistics;	1890 1891 1892
(Y) Two dollars for each electronic transmission of a document, plus one dollar for each page of that document. These fees are to be paid by the party requesting the electronic transmission.	1893 1894 1895 1896
(Z) One dollar for each page, for copies of pleadings, process, record, or files, including certificate and seal.	1897 1898
<b>Sec. 4505.11.</b> This section shall also apply to all-purpose vehicles and off-highway motorcycles as defined in section 4519.01 of the Revised Code.	1899 1900 1901
(A) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title, when the motor vehicle is dismantled, destroyed, or changed in such manner that it loses its character as a motor vehicle, or changed in such manner that it is not the motor vehicle described in the certificate of title, shall surrender the certificate of title to that motor vehicle to a clerk of a court of common pleas, and the clerk, with the consent of any holders of any liens noted on the certificate of title, then shall enter	1902 1903 1904 1905 1906 1907 1908 1909 1910

a cancellation upon the clerk's records and shall notify the  
registrar of motor vehicles of the cancellation. 1911  
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Upon the cancellation of a certificate of title in the  
manner prescribed by this section, any clerk and the registrar  
of motor vehicles may cancel and destroy all certificates and  
all memorandum certificates in that chain of title. 1913  
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(B) (1) If an Ohio certificate of title or salvage  
certificate of title to a motor vehicle is assigned to a salvage  
dealer, the dealer is not required to obtain an Ohio certificate  
of title or a salvage certificate of title to the motor vehicle  
in the dealer's own name if the dealer dismantles or destroys  
the motor vehicle, indicates the number of the dealer's motor  
vehicle salvage dealer's license on it, marks "FOR DESTRUCTION"  
across the face of the certificate of title or salvage  
certificate of title, and surrenders the certificate of title or  
salvage certificate of title to a clerk of a court of common  
pleas as provided in division (A) of this section. If the  
salvage dealer retains the motor vehicle for resale, the dealer  
shall make application for a salvage certificate of title to the  
motor vehicle in the dealer's own name as provided in division  
(C) (1) of this section. 1917  
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(2) At the time any salvage motor vehicle is sold at  
auction or through a pool, the salvage motor vehicle auction or  
salvage motor vehicle pool shall give a copy of the salvage  
certificate of title or a copy of the certificate of title  
marked "FOR DESTRUCTION" to the purchaser. 1932  
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(C) (1) When an insurance company declares it economically  
impractical to repair such a motor vehicle and has paid an  
agreed price for the purchase of the motor vehicle to any  
insured or claimant owner, the insurance company shall proceed  
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as follows:	1941
(a) If an insurance company receives the certificate of title and the motor vehicle, within thirty business days, the insurance company shall deliver the certificate of title to a clerk of a court of common pleas and shall make application for a salvage certificate of title. <u>This certificate of title, any supporting power of attorney, or application for a salvage certificate of title shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code.</u>	1942 1943 1944 1945 1946 1947 1948 1949 1950
(b) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was issued for the vehicle but the insurance company is unable to obtain the properly endorsed certificate of title for the motor vehicle within thirty business days following the vehicle's owner or lienholder's acceptance of the insurance company's payment for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by evidence that the insurance company has paid a total loss claim on the vehicle, a copy of the written request for the certificate of title from the insurance company or its designee, and proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, to obtain the certificate of title.	1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966
(c) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was not issued for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title	1967 1968 1969 1970

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

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

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

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

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

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

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

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

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

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

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

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

motor vehicle in the name of the purchaser from a clerk of a  
court of common pleas. 2062  
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(E) If a motor vehicle titled with a salvage certificate  
of title is restored for operation upon the highways, 2064  
application shall be made to a clerk of a court of common pleas  
for a certificate of title. Upon inspection by the state highway 2065  
patrol, which shall include establishing proof of ownership and 2066  
an inspection of the motor number and vehicle identification 2067  
number of the motor vehicle and of documentation or receipts for 2068  
the materials used in restoration by the owner of the motor 2069  
vehicle being inspected, which documentation or receipts shall 2070  
be presented at the time of inspection, the clerk, upon 2071  
surrender of the salvage certificate of title, shall issue a 2072  
certificate of title for a fee prescribed by the registrar. The 2073  
certificate of title shall be in the same form as the original 2074  
certificate of title and shall bear the words "REBUILT SALVAGE" 2075  
in black boldface letters on its face. Every subsequent 2076  
certificate of title, memorandum certificate of title, or 2077  
duplicate certificate of title issued for the motor vehicle also 2078  
shall bear the words "REBUILT SALVAGE" in black boldface letters 2079  
on its face. The exact location on the face of the certificate 2080  
of title of the words "REBUILT SALVAGE" shall be determined by 2081  
the registrar, who shall develop an automated procedure within 2082  
the automated title processing system to comply with this 2083  
division. The clerk shall use reasonable care in performing the 2084  
duties imposed on the clerk by this division in issuing a 2085  
certificate of title pursuant to this division, but the clerk is 2086  
not liable for any of the clerk's errors or omissions or those 2087  
of the clerk's deputies, or the automated title processing 2088  
system in the performance of those duties. A fee of fifty 2089  
dollars shall be assessed by the state highway patrol for each 2090  
2091

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

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

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

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

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

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

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

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

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

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

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

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

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

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

interment rights.	2209
(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.	2210 2211 2212 2213
(D) "Institution of higher education" includes all of the following:	2214 2215
(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	2216 2217
(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;	2218 2219
(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.	2220 2221 2222
(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree programs in accordance with section 3332.05 of the Revised Code.	2223 2224 2225 2226
(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.	2227 2228 2229
(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission,	2230 2231 2232 2233 2234 2235 2236

or other valuable consideration, does or deals in any act or  
transaction specified or comprehended in division (A) of this  
section with respect to foreign real estate. 2237  
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(G) "Foreign real estate salesperson" means any person  
associated with a licensed foreign real estate dealer to do or  
deal in any act or transaction specified or comprehended in  
division (A) of this section with respect to foreign real  
estate, for compensation or otherwise. 2240  
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(H) Any person, partnership, association, limited  
liability company, limited liability partnership, or  
corporation, who, for another, in consideration of compensation,  
by fee, commission, salary, or otherwise, or with the intention,  
in the expectation, or upon the promise of receiving or  
collecting a fee, does, or offers, attempts, or agrees to engage  
in, any single act or transaction contained in the definition of  
a real estate broker, whether an act is an incidental part of a  
transaction, or the entire transaction, shall be constituted a  
real estate broker or real estate salesperson under this  
chapter. 2245  
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(I)(1) The terms "real estate broker," "real estate  
salesperson," "foreign real estate dealer," and "foreign real  
estate salesperson" do not include a person, partnership,  
association, limited liability company, limited liability  
partnership, or corporation, or the regular employees thereof,  
who perform any of the acts or transactions specified or  
comprehended in division (A) of this section, whether or not  
for, or with the intention, in expectation, or upon the promise  
of receiving or collecting a fee, commission, or other valuable  
consideration: 2256  
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(a) With reference to real estate situated in this state 2266

owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it;	2267 2268 2269 2270 2271
(b) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a bona fide public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other instrument that has been executed in good faith creating a like bona fide fiduciary obligation;	2272 2273 2274 2275 2276 2277 2278 2279
(c) As a public officer while performing the officer's official duties;	2280 2281
(d) As an attorney at law in the performance of the attorney's duties;	2282 2283
(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;	2284 2285 2286
(f) As a person who engages in the sale of manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;	2287 2288 2289 2290 2291 2292
(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code;	2293 2294 2295

<u>(h) As an oil and gas land professional in the performance</u>	2296
<u>of the oil and gas land professional's duties, provided the oil</u>	2297
<u>and gas land professional is not engaged in the purchase or sale</u>	2298
<u>of a fee simple absolute interest in oil and gas or other real</u>	2299
<u>estate and the oil and gas land professional complies with</u>	2300
<u>division (A) of section 4735.023 of the Revised Code;</u>	2301
<u>(i) As an oil and gas land professional employed by the</u>	2302
<u>person, partnership, association, limited liability company,</u>	2303
<u>limited liability partnership, or corporation for which the oil</u>	2304
<u>and gas land professional is performing the oil and gas land</u>	2305
<u>professional's duties.</u>	2306
(2) A person, partnership, association, limited liability	2307
company, limited liability partnership, or corporation exempt	2308
under division (I)(1)(a) of this section shall be limited by the	2309
legal interest in the real estate held by that person or entity	2310
to performing any of the acts or transactions specified in or	2311
comprehended by division (A) of this section.	2312
(J) "Disabled licensee" means a person licensed pursuant	2313
to this chapter who is under a severe disability which is of	2314
such a nature as to prevent the person from being able to attend	2315
any instruction lasting at least three hours in duration.	2316
(K) "Division of real estate" may be used interchangeably	2317
with, and for all purposes has the same meaning as, "division of	2318
real estate and professional licensing."	2319
(L) "Superintendent" or "superintendent of real estate"	2320
means the superintendent of the division of real estate and	2321
professional licensing of this state. Whenever the division or	2322
superintendent of real estate is referred to or designated in	2323
any statute, rule, contract, or other document, the reference or	2324

designation shall be deemed to refer to the division or  
superintendent of real estate and professional licensing, as the  
case may be. 2325  
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(M) "Inactive license" means the license status in which a  
salesperson's license is in the possession of the division,  
renewed as required under this chapter or rules adopted under  
this chapter, and not associated with a real estate broker. 2328  
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(N) "Broker's license on deposit" means the license status  
in which a broker's license is in the possession of the division  
of real estate and professional licensing and renewed as  
required under this chapter or rules adopted under this chapter. 2332  
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(O) "Suspended license" means the license status that  
prohibits a licensee from providing services that require a  
license under this chapter for a specified interval of time. 2336  
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(P) "Reactivate" means the process prescribed by the  
superintendent of real estate and professional licensing to  
remove a license from an inactive, suspended, or broker's  
license on deposit status to allow a licensee to provide  
services that require a license under this chapter. 2339  
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(Q) "Revoked" means the license status in which the  
license is void and not eligible for reactivation. 2344  
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(R) "Commercial real estate" means any parcel of real  
estate in this state other than real estate containing one to  
four residential units. "Commercial real estate" does not  
include single-family residential units such as condominiums,  
townhouses, manufactured homes, or homes in a subdivision when  
sold, leased, or otherwise conveyed on a unit-by-unit basis,  
even when those units are a part of a larger building or parcel  
of real estate containing more than four residential units. 2346  
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(S) "Out-of-state commercial broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.	2354 2355 2356 2357 2358
(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not licensed as a real estate salesperson in Ohio.	2359 2360 2361
(U) "Exclusive right to sell or lease listing agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:	2362 2363 2364 2365
(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;	2366 2367
(2) Provides the broker will be compensated if the broker, the seller, or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement to anyone other than to specifically exempted persons or entities.	2368 2369 2370 2371 2372 2373
(V) "Exclusive agency agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:	2374 2375 2376 2377
(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;	2378 2379
(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or	2380 2381 2382

if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities.	2383 2384 2385 2386
(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:	2387 2388 2389 2390
(1) Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property;	2391 2392
(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement.	2393 2394 2395 2396 2397
The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser.	2398 2399 2400 2401 2402
(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another person.	2403 2404 2405 2406 2407
(Y) "Resigned" means the license status in which a license has been voluntarily and permanently surrendered to or is otherwise in the possession of the division of real estate and professional licensing, may not be renewed or reactivated in	2408 2409 2410 2411

accordance with the requirements specified in this chapter or the rules adopted pursuant to it, and is not associated with a real estate broker.	2412 2413 2414
(Z) "Bona fide" means made in good faith or without purpose of circumventing license law.	2415 2416
(AA) "Associate broker" means an individual licensed as a real estate broker under this chapter who does not function as the principal broker or a management level licensee.	2417 2418 2419
(BB) "Brokerage" means a corporation, partnership, limited partnership, association, limited liability company, limited liability partnership, or sole proprietorship, foreign or domestic, that has been issued a broker's license. "Brokerage" includes the affiliated licensees who have been assigned management duties that include supervision of licensees whose duties may conflict with those of other affiliated licensees.	2420 2421 2422 2423 2424 2425 2426
(CC) "Credit-eligible course" means a credit or noncredit- bearing course that is both of the following:	2427 2428
(1) The course is offered by an institution of higher education.	2429 2430
(2) The course is eligible for academic credit that may be applied toward the requirements for a degree at the institution of higher education.	2431 2432 2433
(DD) "Distance education" means courses required by divisions (B) (6) and (G) of section 4735.07, divisions (F) (6) and (J) of section 4735.09, and division (A) of section 4735.141 of the Revised Code in which instruction is accomplished through use of interactive, electronic media and where the teacher and student are separated by distance or time, or both.	2434 2435 2436 2437 2438 2439

(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter.	2440 2441 2442
(FF) "Management level licensee" means a licensee who is employed by or affiliated with a real estate broker and who has supervisory responsibility over other licensees employed by or affiliated with that real estate broker.	2443 2444 2445 2446
(GG) <u>"Oil and gas land professional"</u> means a person regularly engaged in the preparation and negotiation of agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests, including, but not limited to, oil and gas leases and pipeline easements.	2447 2448 2449 2450 2451 2452
(HH) "Principal broker" means an individual licensed as a real estate broker under this chapter who oversees and directs the operations of the brokerage.	2453 2454 2455
<b><u>Sec. 4735.023.</u></b> (A) An oil and gas land professional who is not otherwise permitted to engage in the activities described in division (A) of section 4735.01 of the Revised Code may perform such activities, if the oil and gas land professional does all of the following:	2456 2457 2458 2459 2460
(1) (a) Registers on an annual basis as an oil and gas land professional with the superintendent of real estate by such date specified and on a form approved by the superintendent, which form includes both of the following:	2461 2462 2463 2464
(i) The name and address of the oil and gas land professional;	2465 2466
(ii) Evidence of the oil and gas land professional's membership in good standing in a national, state, or local	2467 2468

professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals. 2469  
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(b) Pays an annual fee, established by the superintendent in an amount not to exceed one hundred dollars, which shall accompany the registration. 2473  
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(2) At or prior to first contacting any landowner or other person with an interest in real estate for the purpose of engaging in the activities of an oil and gas land professional, and on a form approved by the superintendent, discloses to the landowner or other person all of the following: 2476  
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(a) The oil and gas land professional's name and address as registered with the superintendent; 2481  
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(b) That the oil and gas land professional is registered as such with the superintendent and is a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals; 2483  
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(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 2489  
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(d) That the landowner or other person with an interest in real estate may seek legal counsel in connection with any transaction with the oil and gas land professional; 2492  
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(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate. 2495  
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<u>(3) At or prior to entering into any agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests including, but not limited to, oil and gas leases and pipeline easements with any landowner or other person with an interest in real estate, and on a form approved by the superintendent, discloses to the landowner or other person with an interest in real estate all of the following:</u>	2498
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<u>(a) The oil and gas land professional's name and address as registered with the superintendent;</u>	2506
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<u>(b) That the oil and gas land professional is registered as such with the superintendent and a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals;</u>	2508
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<u>(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;</u>	2514
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<u>(d) That the landowner or other person may seek legal counsel in connection with any transaction with the oil and gas land professional;</u>	2517
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<u>(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate.</u>	2520
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<u>(B) Any oil and gas land professional who must be registered as such with the superintendent pursuant to this section who ceases to be a member in good standing of an organization described in division (A) (1) (a) (ii) of this section</u>	2523
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shall report the change in membership status to the 2527  
superintendent within thirty days of that change. Failure to 2528  
report such change in membership status shall result in the 2529  
automatic suspension of registration status and subject the 2530  
registrant to the penalties for unlicensed activity as found in 2531  
section 4735.02 of the Revised Code. 2532

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) (1) Within twelve months after March 23, 2015, the 2589  
registrar shall contract with an entity approved as a third- 2590  
party data consolidator to the national motor vehicle title 2591  
information system for the development of The department of 2592  
public safety or a third-party provider pursuant to a contract 2593  
with the department shall establish a statewide database for the 2594  
submission of the information collected pursuant to division (A) 2595  
(1) of this section. The system shall be used to maintain an 2596  
accurate record of all sales conducted by a salvage motor 2597  
vehicle auction or salvage motor vehicle pool. All expenses of 2598  
this contract shall be paid from the public safety highway 2599  
purposes fund created in section 4501.06 of the Revised Code. 2600

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

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

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

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

147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 147.51, 147.55, and 2303.20, the enactment of sections 147.011, 147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 147.62, 147.63, 147.631, 147.64, 147.65, and 147.66, and the repeal of sections 147.02 and 147.09 of the Revised Code in this act, other than provisions authorizing the secretary of state to adopt rules under this act, shall take effect six months after this act's effective date.	2614 2615 2616 2617 2618 2619 2620 2621 2622
(B) The amendments to section 4738.021 of the Revised Code in this act shall take effect July 1, 2019.	2623 2624
(C) The amendments to sections 4505.11 and 4735.01 of the Revised Code made in Sections 1 and 2 of this act and the enactment of section 4735.023 of the Revised Code made in Section 1 of this act shall take effect at the earliest time permitted by law.	2625 2626 2627 2628 2629
<b>Section 4.</b> Beginning on the effective date of this section and until January 1, 2021, a clerk of court shall not issue a salvage certificate of title for a motor vehicle under sections 4505.08 and 4505.11 of the Revised Code, or enter any notation on a certificate of title under those sections, based solely on information reported by an entity pursuant to 49 U.S.C. 30504 and regulations promulgated under it unless one of the following applies:	2630 2631 2632 2633 2634 2635 2636 2637
(A) The clerk receives information from the automated title processing system indicating that a previously issued certificate of title in this state was a salvage certificate of title.	2638 2639 2640 2641
(B) The vehicle was previously titled in another state and	2642

the previous certificate of title indicated that the vehicle was considered or categorized as salvage.	2643 2644
(C) An entity that is authorized under section 4505.11 of the Revised Code to apply for a salvage certificate of title applies for a salvage title pursuant to that section.	2645 2646 2647
<b>Section 5.</b> (A) There is hereby created the National Motor Vehicle Title Information System Utilization Study Committee.	2648 2649
(B) The Committee shall consist of the Director of Public Safety or the Director's designee who is not the Registrar of Motor Vehicles and the following members appointed by the Director:	2650 2651 2652 2653
(1) A representative of the Attorney General's Office;	2654
(2) A representative of the Ohio Automobile Dealers Association;	2655 2656
(3) A representative of the Ohio Insurance Institute;	2657
(4) A representative of the salvage automobile auction industry;	2658 2659
(5) A representative of the Ohio Clerks of Court Association;	2660 2661
(6) A representative of the auto finance industry;	2662
(7) A representative of AAA Ohio Auto Club;	2663
(8) A representative of the National Auto Auction Association;	2664 2665
(9) A representative of the Ohio Independent Automobile Dealers Association;	2666 2667
(10) A representative from the salvage dealer industry;	2668

and	2669
(11) Up to two additional stakeholders from organizations or industries not specified in divisions (B) (1) to (10) of this section.	2670 2671 2672
(C) The Director shall make all appointments to the Committee not later than thirty days after the effective date of this section. Members shall serve without compensation or reimbursement.	2673 2674 2675 2676
(D) The Director or the Director's designee, who is not the Registrar of Motor Vehicles, shall serve as chairperson of the Committee and the Department of Public Safety shall provide the Committee with any support services as determined necessary by the Committee.	2677 2678 2679 2680 2681
(E) The Committee shall study the following:	2682
(1) The advantages and disadvantages of utilizing information reported pursuant to 49 U.S.C. 30504 that is included within the National Motor Vehicle Title Information System for making decisions on the issuance of salvage certificates of title in Ohio;	2683 2684 2685 2686 2687
(2) The accuracy of that information; and	2688
(3) Allowing the public to access this information in the same manner as motor vehicle title information is accessed under section 4505.141 of the Revised Code.	2689 2690 2691
As part of the study, the Committee shall evaluate how other states utilize this information.	2692 2693
(F) Not later than January 31, 2020, the Committee shall complete its study and submit a report of its findings and any recommendations to the Governor and the General Assembly in	2694 2695 2696

accordance with section 101.68 of the Revised Code.

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(G) Upon submission of its report, the Committee shall  
cease to exist.

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