

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 263

Senators Huffman, Wilson

Cosponsors: Senators Terhar, Lehner, Sykes

A BILL

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

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

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) As used in this section: 546

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

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

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

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

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

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

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

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

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

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

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

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

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

contest to a disqualifying offense. 590

(b) An attorney admitted to the practice of law in this 591
state shall not be required to submit a criminal records check 592
when applying to be appointed a notary public. 593

(4) (a) Except as provided in division (B) (4) (b) of this 594
section, the person has successfully completed an educational 595
program and passed a test as required under section 147.021 of 596
the Revised Code. 597

(b) An attorney who is admitted to the practice of law in 598
this state prior to the effective date of this amendment shall 599
not be required to complete an education program or pass a test 600
as required in division (B) (4) (a) of this section. 601

(C) A notary public shall be appointed and commissioned as 602
a notary public for the state. The secretary of state may revoke 603
a commission issued to a notary public upon presentation of 604
satisfactory evidence of official misconduct or incapacity. 605

(D) The secretary of state shall oversee the entire 606
process of appointing and commissioning notaries public. No 607
portion of the review or certification of applicants shall be 608
delegated to another entity, except as prescribed in this 609
chapter and as verified by the secretary of state. 610

(E) Beginning one hundred eighty days after the effective 611
date of this amendment, all submissions to the secretary of 612
state for receiving and renewing commissions, or notifications 613
made under section 147.05 of the Revised Code, shall be done 614
electronically. 615

Sec. 147.011. As used in this chapter: 616

(A) "Acknowledgment" means a notarial act in which the 617

<u>signer of the notarized document acknowledges all of the</u>	618
<u>following:</u>	619
<u>(1) That the signer has signed the document;</u>	620
<u>(2) That the signer understands the document;</u>	621
<u>(3) That the signer is aware of the consequences of</u> <u>executing the document by signing it.</u>	622 623
<u>(B) "Criminal records check" has the same meaning as in</u> <u>section 109.572 of the Revised Code.</u>	624 625
<u>(C) "Disqualifying offense" means a crime of moral</u> <u>turpitude as defined in section 4776.10 of the Revised Code and</u> <u>a violation of a provision of Chapter 2913. of the Revised Code.</u>	626 627 628
<u>(D) "Jurat" means a notarial act in which both of the</u> <u>following are met:</u>	629 630
<u>(1) The signer of the notarized document is required to</u> <u>swear under oath that the statement in the notarized document is</u> <u>true and correct;</u>	631 632 633
<u>(2) The signer signs the notarized document in the</u> <u>presence of a notary public.</u>	634 635
<u>Sec. 147.021. (A) (1) Except as provided in division (B) (4)</u> <u>of section 147.01 of the Revised Code, no person shall be</u> <u>appointed as a notary public unless that person has completed an</u> <u>educational program related to the requirements of this chapter</u> <u>and passed a test demonstrating knowledge of such requirements.</u>	636 637 638 639 640
<u>(2) The secretary of state may authorize that such a</u> <u>program be completed online.</u>	641 642
<u>(B) The secretary of state shall adopt in rules standards</u> <u>and curricula for the educational program required under this</u>	643 644

section. The rules shall address all of the following: 645

(1) The entities authorized to administer the program and 646
the required test; 647

(2) The standards and curricula of the program, which 648
shall include all of the following: 649

(a) The terms of notary commission; 650

(b) How to renew a commission; 651

(c) The conditions under which a commission may be 652
revoked; 653

(d) What constitutes a legal notarial act; 654

(e) The manner of taking depositions; 655

(f) The taking of an acknowledgment; 656

(g) The administration of a jurat. 657

Sec. 147.022. (A) (1) The secretary of state shall require 658
each applicant for a notary commission, other than an attorney 659
licensed to practice law in this state, to complete a criminal 660
records check. 661

(2) The secretary shall not accept an application for a 662
notary commission that includes the report of a criminal records 663
check that is more than six months old. 664

(B) The secretary of state shall provide to each person 665
applying for a notary commission information about accessing, 666
completing, and forwarding to the superintendent of the bureau 667
of criminal identification and investigation the form prescribed 668
pursuant to division (C) (1) of section 109.572 of the Revised 669
Code and the standard impression sheet to obtain fingerprint 670
impressions prescribed pursuant to division (C) (2) of that 671

section. 672

(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. 673
674
675
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(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following: 677
678
679
680
681
682

(1) The person who is the subject of the criminal records check or the person's representative; 683
684

(2) The secretary of state and the staff of the secretary of state; 685
686

(3) A court, hearing officer, or other necessary individual involved in a case dealing with a commission denial resulting from the criminal records check. 687
688
689

(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: 690
691
692
693

(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; 694
695
696
697
698

(2) Submit the completed report of the criminal records 699

check to the secretary of state. 700

Sec. 147.03. Each notary public, except an attorney 701
admitted to the practice of law in this state by the Ohio 702
supreme court, shall hold office for the term of five years 703
unless the commission is revoked. An attorney admitted to the 704
practice of law in this state by the Ohio supreme court shall 705
hold office as a notary public as long as the attorney is a 706
resident of this state or has the attorney's principal place of 707
business or primary practice in this state, the attorney is in 708
good standing before the Ohio supreme court, and the commission 709
is not revoked. Before entering upon the duties of office, a 710
notary public shall take and subscribe an oath to be endorsed on 711
the notary public's commission. 712

A notary public who violates the oath of office required 713
by this section shall be removed from office by the ~~court of~~ 714
~~common pleas of the county in which the notary public resides~~ 715
secretary of state, upon complaint filed and substantiated ~~in~~ 716
~~the court, and the court, upon removing a notary public from~~ 717
~~office, shall certify the removal to~~ by the secretary of state. 718
The person so removed shall be ineligible for reappointment to 719
the office of notary public. 720

Sec. 147.031. (A) (1) Except as provided in division (A) (2) 721
of this section, a commission for a notary public appointed 722
prior to the effective date of this section shall remain valid 723
until that commission's expiration date. 724

(2) A commission issued to an attorney prior to the 725
effective date of this section shall be governed by section 726
147.03 of the Revised Code. 727

(B) A commission that is set to expire as described in 728

section 147.03 of the Revised Code or as in division (A) of this 729
section shall not be renewed unless the notary submits to the 730
secretary of state all of the following: 731

(1) A new criminal records check report as required under 732
division (B) (3) of section 147.01 of the Revised Code; 733

(2) A fee, set by the secretary of state in rule, of not 734
more than sixty dollars. 735

(3) An application for renewal on a form prescribed by the 736
secretary. 737

(C) A notary public may apply to renew the notary's 738
commission beginning three months prior to the expiration date 739
of the commission. 740

(D) If the notary public's commission expires before the 741
notary submits the application for renewal, the secretary of 742
state shall not renew that expired commission but shall permit 743
the person to apply for a new notary commission. 744

Sec. 147.032. (A) (1) If the secretary of state believes 745
that a violation of this chapter has occurred, the secretary of 746
state may investigate such violations. 747

(2) The secretary of state may investigate possible 748
violations of this chapter upon a signed complaint from any 749
person. 750

(B) The secretary of state may hold a disciplinary hearing 751
if the secretary of state determines a hearing to be appropriate 752
after an investigation conducted under division (A) of this 753
section. 754

(C) After holding an administrative hearing and concluding 755
that a violation of this chapter has occurred, the secretary of 756

state may do any of the following: 757

(1) Revoke the notary public's commission; 758

(2) Suspend the notary public's commission for a specified 759
period of time or until fulfillment of a condition, such as 760
retraining, or both. 761

(3) Issue a letter of admonition that shall be placed in 762
the notary public's record. 763

(D) A person whose notary commission has been revoked may 764
not apply for a subsequent notary commission. 765

(E) The secretary of state may adopt rules to set forth 766
procedures for investigations and hearings regarding violations 767
of this chapter and disciplinary actions taken. 768

(F) The secretary of state may establish an advisory board 769
to meet as the secretary of state considers necessary to discuss 770
matters related to notary law and procedures. 771

Sec. 147.04. Before entering upon the discharge of ~~his~~ 772
official duties, a notary public shall ~~provide himself with~~ 773
obtain the seal of a notary public. The seal shall consist of 774
the coat of arms of the state within a circle that is at least 775
three-quarters of an inch, but not larger than one inch, in 776
diameter and shall be surrounded by the words "notary public," 777
"notarial seal," or words to that effect, the name of the notary 778
public, and the words "State of Ohio." The seal may be of either 779
a type that will stamp ink onto a document or one that will 780
emboss it. The name of the notary public may, instead of 781
appearing on the seal, be printed, typewritten, or stamped in 782
legible, printed letters near ~~his~~ the notary public's signature 783
on each document signed by ~~him~~ the notary public. ~~A notary~~ 784
~~public shall also provide himself with an official register in~~ 785

~~which shall be recorded a copy of every certificate of protest
and copy of note, which seal and record shall be exempt from
execution. Upon the death, expiration of term without
reappointment, or removal from office of any notary public, his
official register shall be deposited in the office of the county
recorder of the county in which he resides.~~

Sec. 147.041. A person commissioned as a notary public
prior to the effective date of this section may continue to use
a seal that meets the requirements of section 147.04 of the
Revised Code that is already in that person's possession.

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

~~(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.~~

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 816
commissions of notaries public required by this division. 817

~~(C)~~ (B) If a notary public legally changes the notary 818
public's name or address after having been commissioned as a 819
notary public, the notary public shall notify the secretary of 820
state ~~and the appropriate clerk of courts~~ within thirty days 821
after the name or address change. ~~Notification to the secretary~~
~~of state~~ Such a notification shall be on a form prescribed by 822
the secretary of state. 823
824

~~(D)~~ (C) A notary, ~~other than an attorney~~, who resigns the 825
person's commission shall deliver to the secretary of state, on 826
a form prescribed by the secretary of state, a written notice 827
indicating the effective date of resignation. 828

(D) (1) A notary shall inform the secretary of state of 829
being convicted of or pleading guilty or no contest to any 830
criminal offense during the term of the notary's commission. 831

(2) The secretary of state shall revoke the commission of 832
any person who is convicted of or pleads guilty or no contest to 833
a disqualifying offense, including an attorney licensed to 834
practice law in this state. 835

Sec. 147.051. The secretary of state shall maintain a 836
database of notaries public on a publicly accessible web site. 837
The web site shall provide all of the following information in 838
relation to each notary public: 839

(A) A verification of the authority and good standing of 840
the individual to perform notarial acts; 841

(B) Whether the notary is registered to perform online 842
notarizations, as defined in section 147.60 of the Revised Code; 843

(C) A description of any administrative or disciplinary 844
action taken against the notary. 845

Sec. 147.06. Upon application, the ~~clerk of the court of~~ 846
~~common pleas~~ secretary of state shall make a certified copy of a 847
notary public commission and the endorsements on the commission, ~~—~~ 848
~~under the seal of the court.~~ The certified copy shall be prima- 849
facie evidence of the matters and facts contained in it. For 850
each certified copy of a notary public commission, the ~~clerk~~ 851
secretary of state shall be entitled to receive a fee of ~~two~~ 852
five dollars. 853

Sec. 147.07. A notary public may, throughout the state, 854
administer oaths required or authorized by law, take and certify 855
depositions, and take and certify acknowledgments of deeds, 856
mortgages, liens, powers of attorney, and other instruments of 857
writing, ~~and receive, make, and record notarial protests.~~ In 858
taking depositions, ~~he~~ a notary public shall have the power that 859
is by law vested in judges of county courts to compel the 860
attendance of witnesses and punish them for refusing to testify. 861
Sheriffs and constables are required to serve and return all 862
process issued by notaries public in the taking of depositions. 863

Sec. 147.08. (A) A notary public is entitled to the 864
following fees: 865

~~(A) For the protest of a bill of exchange or promissory~~ 866
~~note, one dollar and actual necessary expenses in going beyond~~ 867
~~the corporate limits of a municipal corporation to make~~ 868
~~presentment or demand;~~ 869

~~(B) For recording an instrument required to be recorded by~~ 870
~~a notary public, ten cents for each one hundred words;~~ 871

~~(C) For taking and certifying acknowledgments of deeds,~~ 872

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

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

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

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

Sec. 147.13. A notary public who charges or receives for an act or service done or rendered by the notary public a fee greater than the amount prescribed by law, or who dishonestly or unfaithfully discharges any official duties as notary public, shall be removed from office by the ~~court of common pleas of the county in which the notary public resides~~ secretary of state,

upon complaint filed and substantiated ~~in the court. The court~~ 901
~~shall certify the removal to~~ by the secretary of state. The 902
person so removed shall be ineligible for reappointment to the 903
office of notary public. 904

Sec. 147.14. No notary public shall certify to the 905
affidavit of a person without administering the appropriate oath 906
or affirmation to the person. A notary public who violates this 907
section shall be removed from office by the ~~court of common~~ 908
~~pleas of the county in which a conviction for a violation of~~ 909
~~this section is had. The court shall certify the removal to the~~ 910
secretary of state. The person so removed shall be ineligible to 911
reappointment for a period of three years. 912

Sec. 147.141. (A) A notary public shall not do any of the 913
following: 914

(1) Perform a notarial act with regard to a record or 915
document executed by the notary; 916

(2) Notarize the notary's own signature; 917

(3) Take the notary's own deposition; 918

(4) Perform a notarial act if the notary has a conflict of 919
interest with regard to the transaction in question; 920

(5) Certify that a document is either of the following: 921

(a) An original document; 922

(b) A true copy of another record. 923

(6) Use a name or initial in signing certificates other 924
than that by which the notary public is commissioned; 925

(7) Sign notarial certificates using a facsimile signature 926
stamp unless the notary public has a physical disability that 927

<u>limits or prohibits the notary's ability to make a written</u>	928
<u>signature and unless the notary has first submitted written</u>	929
<u>notice to the secretary of state with an example of the</u>	930
<u>facsimile signature stamp;</u>	931
<u>(8) Affix the notary's signature to a blank form of an</u>	932
<u>affidavit or certificate of acknowledgment and deliver that form</u>	933
<u>to another person with the intent that it be used as an</u>	934
<u>affidavit or acknowledgment;</u>	935
<u>(9) Take the acknowledgment of, or administer an oath to,</u>	936
<u>a person who the notary public knows to have been adjudicated</u>	937
<u>mentally incompetent by a court of competent jurisdiction, if</u>	938
<u>the acknowledgment or oath necessitates the exercise of a right</u>	939
<u>that has been removed;</u>	940
<u>(10) Notarize a signature on a document if it appears that</u>	941
<u>the person is mentally incapable of understanding the nature and</u>	942
<u>effect of the document at the time of notarization;</u>	943
<u>(11) Alter anything in a written instrument after it has</u>	944
<u>been signed by anyone;</u>	945
<u>(12) Amend or alter a notarial certificate after the</u>	946
<u>notarization is complete;</u>	947
<u>(13) Notarize a signature on a document if the document is</u>	948
<u>incomplete or blank;</u>	949
<u>(14) Notarize a signature on a document if it appears that</u>	950
<u>the signer may be unduly influenced or coerced so as to be</u>	951
<u>restricted from or compromised in exercising the person's own</u>	952
<u>free will when signing the document;</u>	953
<u>(15) Take an acknowledgment of execution in lieu of an</u>	954
<u>oath or affirmation if an oath or affirmation is required;</u>	955

(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. 956
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(B) As used in this section, "conflict of interest" means either of the following: 961
962

(1) The notary has a direct financial or other interest in the transaction in question, excluding the fees authorized under this chapter; 963
964
965

(2) The notary is named, individually or as a grantor, grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, vendor, lessor, or lessee, or as a party in some other capacity to the transaction. 966
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Sec. 147.142. (A) A notary public who is not a licensed attorney in this state shall not represent or advertise himself or herself as an immigration consultant or an expert in immigration matters. 970
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(B) A notary public who is not a licensed attorney in this state shall not do any of the following: 974
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(1) Provide any service that constitutes the unauthorized practice of law in violation of section 4705.07 of the Revised Code; 976
977
978

(2) State or imply that the notary is an attorney licensed to practice law in this state; 979
980

(3) Solicit or accept compensation to prepare documents for or otherwise represent the interest of another person in a judicial or administrative proceeding, including a proceeding 981
982
983

relating to immigration to the United States, United States 984
citizenship, or related matters; 985

(4) Solicit or accept compensation to obtain relief of any 986
kind on behalf of another from any officer, agency, or employee 987
of this state or of the United States; 988

(5) Use the phrase "notario" or "notario publico" to 989
advertise the services of a notary public, whether by sign, 990
pamphlet, stationery, or other written communication, or by 991
radio, television, or other non-written communication. 992

Sec. 147.37. ~~Each~~ The secretary of state may charge each 993
person receiving a commission as notary public, ~~including an~~ 994
~~attorney admitted to the practice of law in this state by the~~ 995
~~Ohio supreme court, shall pay a fee of fifteen not more than one~~ 996
hundred fifty dollars to the secretary of state. 997

Sec. 147.371. (A) Upon receipt of a fee of two dollars and 998
an affidavit that the original commission of a notary public has 999
been lost or destroyed, a duplicate commission as notary public 1000
shall be issued by the secretary of state. 1001

(B) Upon receipt of a fee of two dollars and the properly 1002
completed, prescribed form for a name and address change under 1003
division ~~(C)~~ (B) of section 147.05 of the Revised Code, the 1004
secretary of state shall issue a duplicate commission as a 1005
notary public. 1006

Sec. 147.51. For the purposes of sections 147.51 to 147.58 1007
of the Revised Code, "notarial acts" means acts which the laws 1008
and regulations of this state authorize notaries public of this 1009
state to perform, including the administration of oaths and 1010
affirmations, taking proof of execution and acknowledgment of 1011
instruments, ~~and~~ attesting documents, and executing a jurat. 1012

Notarial acts may be performed outside this state for use 1013
in this state with the same effect as if performed by a notary 1014
public of this state by the following persons authorized 1015
pursuant to the laws and regulations of other governments, in 1016
addition to any other persons authorized by the laws and 1017
regulations of this state: 1018

(A) A notary public authorized to perform notarial acts in 1019
the place in which the act is performed; 1020

(B) A judge, clerk, or deputy clerk of any court of record 1021
in the place in which the notarial act is performed; 1022

(C) An officer of the foreign service of the United 1023
States, a consular agent, or any other person authorized by 1024
regulation of the United States department of state to perform 1025
notarial acts in the place in which the act is performed; 1026

(D) A commissioned officer in active service with the 1027
armed forces of the United States and any other person 1028
authorized by regulation of the armed forces to perform notarial 1029
acts if the notarial act is performed for one of the following 1030
or his dependents for a dependent of one of the following: 1031

(1) A member of the merchant-seaman marines of the United 1032
States; 1033

(2) A member of the armed forces of the United States; 1034

(3) Any other person serving with or accompanying the 1035
armed forces of the United States⁺. 1036

(E) Any other person authorized to perform notarial acts 1037
in the place in which the act is performed. 1038

Sec. 147.542. (A) For an acknowledgment and a jurat, the 1039
corresponding notarial certificate shall indicate the type of 1040

notarization being performed. 1041

(B) If a notarial certificate incorrectly indicates the 1042
type of notarization performed, the notary public shall provide 1043
a correct certificate at no charge to the person signing in 1044
question. 1045

(C) (1) An acknowledgment certificate shall clearly state 1046
that no oath was administered to the signer with regard to the 1047
notarial act. 1048

(2) A jurat certificate shall clearly state that an oath 1049
was administered to the signer with regard to the notarial act. 1050

(D) (1) A notary public shall not use an acknowledgment 1051
certificate with regard to a notarial act in which an oath or 1052
affirmation has been administered. 1053

(2) A notary public shall not use a jurat certificate with 1054
regard to a notarial act in which an oath or affirmation has not 1055
been administered. 1056

(E) A certificate required under this section may be 1057
provided through any of the following means: 1058

(1) Preprinting on a notarial document; 1059

(2) Ink stamp; 1060

(3) Handwritten note; 1061

(4) A separate, attached document. 1062

(F) A notarial certificate shall show all of the following 1063
information: 1064

(1) The state and county venue where the notarization is 1065
being performed; 1066

(2) The wording of the acknowledgment or jurat in question; 1067
1068

(3) The date on which the notarial act was performed; 1069

(4) The signature of the notary, exactly as shown on the notary's commission; 1070
1071

(5) The notary's printed name, displayed below the notary's signature or inked stamp; 1072
1073

(6) The notary's notarial seal and commission expiration date. 1074
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(G) A notary public may explain to a signer the difference between an acknowledgment and a jurat, but shall not, unless that notary is an attorney, advise the person on the type of notarial act that best suits a situation. 1076
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Sec. 147.55. The Notwithstanding section 147.542 of the Revised Code, the forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any section of the Revised Code. The forms shall be known as "statutory short forms of acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms. 1080
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"(A) For an individual acting in ~~his~~ the individual's own right: 1087
1088

"State of 1089

County of 1090

The foregoing instrument was acknowledged before me this (date) by (name of person ~~acknowledged.~~ acknowledging). 1091
1092

(Signature of person taking acknowledgment) 1093

(Title or rank)	1094
{Serial number, if any}"	1095
(B) "For a corporation:	1096
"State of	1097
County of	1098
The foregoing instrument was acknowledged before me this	1099
(date) by (name of officer or agent, title of officer or agent)	1100
of (name of corporation acknowledging), a (state or place of	1101
incorporation) corporation, on behalf of the corporation.	1102
(Signature of person taking acknowledgment)	1103
(Title or rank)	1104
{Serial number, if any}"	1105
(C) "For a partnership:	1106
"State of	1107
County of	1108
The foregoing instrument was acknowledged before me this	1109
(date) by (name of acknowledging partner or agent), partner (or	1110
agent) on behalf of (name of partnership), a partnership.	1111
(Signature of person taking acknowledgment)	1112
(Title or rank)	1113
{Serial number, if any}"	1114
(D) "For an individual acting as principal by an attorney	1115
in fact:	1116
"State of	1117

County of	1118
The foregoing instrument was acknowledged before me this	1119
(date) by (name of attorney in fact) as attorney in fact on	1120
behalf of (name of principal).	1121
(Signature of person taking acknowledgment)	1122
(Title or rank)	1123
(Serial number, if any)"	1124
(E) "By any public officer, trustee, or personal	1125
representative:	1126
"State of	1127
County of	1128
The foregoing instrument was acknowledged before me this	1129
(date) by (name and title of position).	1130
(Signature of person taking acknowledgment)	1131
(Title or rank)	1132
(Serial number, if any)"	1133
<u>Sec. 147.551.</u> A jurat may take the following form:	1134
<u>"State of Ohio</u>	1135
<u>County of</u>	1136
<u>Sworn to or affirmed and subscribed before me by</u>	1137
<u>(signature of person making jurat) this date of (date).</u>	1138
<u>(Signature of notary public administering jurat)</u>	1139
<u>(Affix seal here)</u>	1140
<u>(Title of rank)</u>	1141

(Commission expiration date)" 1142

Sec. 147.59. (A) An individual whose physical 1143
characteristics limit the individual's ability to sign a 1144
document presented for notarization may direct a designated 1145
alternative signer to sign on the individual's behalf, if all of 1146
the following are met: 1147

(1) The individual clearly indicates, through oral, 1148
verbal, physical, electronic, or mechanical means, to the notary 1149
public the individual's intent for the designated alternative 1150
signer to sign the individual's name on the notarial document. 1151

(2) Both the individual and the designated alternative 1152
signer provide satisfactory identification to the notary public. 1153

(3) The designated alternative signer signs the document 1154
in the presence of the notary public. 1155

(4) The designated alternative signer is not named in the 1156
document. 1157

(5) The notarial certificate provided to the individual 1158
gives the name of the designated alternative signer and that the 1159
document was signed under this section at the direction of the 1160
individual. 1161

(B) An individual may use a designated alternative signer 1162
to perform an online notarial act if all of the requirements of 1163
division (A) of this section are met. 1164

Sec. 147.591. (A) As used in this section, "electronic 1165
document," "electronic seal," and "electronic signature" have 1166
the same meanings as in section 147.60 of the Revised Code. 1167

(B) An electronic document that is signed in the physical 1168
presence of the notary public with an electronic signature and 1169

notarized with an electronic seal shall be considered an 1170
original document. 1171

(C) Any notary public may obtain an electronic seal and an 1172
electronic signature for the purposes of notarizing documents 1173
under this section. 1174

(D) A notary public shall comply with the provisions of 1175
section 147.66 of the Revised Code pertaining to the electronic 1176
seal and electronic signature. 1177

Sec. 147.60. As used in this section and sections 147.61 1178
to 147.66 of the Revised Code: 1179

(A) "Appear in person" means being in the same physical 1180
location as another person and being close enough to hear, 1181
communicate with, and exchange tangible identification 1182
credentials with that individual. "Appear in person" also means 1183
being in a different location as another person and interacting 1184
with that individual by means of live two-way, audio-video 1185
communication. 1186

(B) "Credential analysis" means a process or service 1187
operating according to standards adopted by the secretary of 1188
state under section 147.62 of the Revised Code through which a 1189
third person affirms the validity of a government-issued 1190
identification credential through review of public and 1191
proprietary data sources. 1192

(C) "Electronic" means relating to technology having 1193
electrical, digital, magnetic, wireless, optical, 1194
electromagnetic, or similar capabilities. 1195

(D) "Electronic document" means information that is 1196
created, generated, sent, communicated, received, or stored in 1197
an electronic medium and is retrievable in perceivable form. 1198

(E) "Electronic seal" means information within a notarized electronic document to which all of the following apply: 1199
1200

(1) The information confirms the notary public's name, jurisdiction, and commission expiration date; 1201
1202

(2) The information indicates that a document was notarized via an online notarization or in the physical presence of the notary public in accordance with section 147.591 of the Revised Code; 1203
1204
1205
1206

(3) 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. 1207
1208
1209

(F) "Electronic signature" 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. 1210
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(G) "Identity proofing" 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. 1214
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1219

(H) "Notarial act" 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. 1220
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1222
1223

(I) "Online notarization" 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. 1224
1225
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1227

(J) "Online notary public" means a notary public who has 1228
been duly appointed and commissioned under section 147.01 of the 1229
Revised Code and has received authorization by the secretary of 1230
state under section 147.63 of the Revised Code to perform online 1231
notarizations. 1232

(K) "Principal" means a natural person whose electronic 1233
signature is notarized in an online notarization, or the natural 1234
person taking an oath or affirmation from the online notary 1235
public. "Principal" does not include a natural person taking an 1236
oath in the capacity of a witness for the online notarization. 1237

(L) "Remote presentation" means transmission to an online 1238
notary public through live two-way video and audio conference 1239
technology of an image of a government-issued identification 1240
credential that is of sufficient quality to enable the online 1241
notary public to identify the principal seeking the online 1242
notary public's services and to perform credential analysis. 1243

(M) "Territory of the United States" means the United 1244
States, Puerto Rico, the United States Virgin Islands, and any 1245
territory, insular possession, or other location subject to the 1246
jurisdiction of the United States. 1247

Sec. 147.61. Sections 147.60 to 147.66 of the Revised Code 1248
apply to online notarizations and online notaries public. To the 1249
extent that a provision of sections 147.60 to 147.66 of the 1250
Revised Code conflicts with another provision of this chapter or 1251
other applicable law, sections 147.60 to 147.66 of the Revised 1252
Code supersede the provision. 1253

Sec. 147.62. (A) The secretary of state shall adopt rules 1254
necessary to implement, set, and maintain standards for online 1255
notarizations and online notaries public. Such rules shall 1256

<u>address all of the following:</u>	1257
<u>(1) The standards, procedures, application forms, and fees</u>	1258
<u>for the authorization of a notary public to act as an online</u>	1259
<u>notary public;</u>	1260
<u>(2) The means of performing online notarizations;</u>	1261
<u>(3) Standards for the approval of technology to be used in</u>	1262
<u>online notarizations;</u>	1263
<u>(4) Standards for remote presentation, credential</u>	1264
<u>analysis, and identity proofing;</u>	1265
<u>(5) Standards for the retention of records relating to</u>	1266
<u>online notarizations;</u>	1267
<u>(6) The modification of forms of notarial certificates for</u>	1268
<u>any notarial act that is an online notarization;</u>	1269
<u>(7) Standards and requirements for the termination of a</u>	1270
<u>notary public's authorization to perform online notarizations.</u>	1271
<u>(B) The office of information technology in the department</u>	1272
<u>of administrative services shall provide assistance to the</u>	1273
<u>secretary of state relating to the equipment, security, and</u>	1274
<u>technological aspects of the standards established under this</u>	1275
<u>section.</u>	1276
<u>Sec. 147.63. (A) A notary public who has been duly</u>	1277
<u>appointed and commissioned under section 147.01 of the Revised</u>	1278
<u>Code may apply to the secretary of state to be authorized to act</u>	1279
<u>as an online notary public during the term of that notary</u>	1280
<u>public's commission. A notary public qualifies to be an online</u>	1281
<u>notary public by paying the application fee described by</u>	1282
<u>division (G) of this section and submitting to the secretary of</u>	1283
<u>state an application in the form prescribed by the secretary</u>	1284

that demonstrates to the satisfaction of the secretary that the 1285
applicant will comply with the standards adopted in rules under 1286
section 147.62 of the Revised Code and that the applicant is 1287
otherwise qualified to be an online notary. 1288

(B) Before an individual may be authorized to act as an 1289
online notary public, that individual shall successfully 1290
complete a course of instruction approved by the secretary of 1291
state and pass an examination based on the course. The content 1292
of the course shall include notarial rules, procedures, and 1293
ethical obligations pertaining to online notarization contained 1294
in sections 147.60 to 147.66 of the Revised Code or in any other 1295
law or rules of this state. The course may be taken in 1296
conjunction with the educational program required under section 1297
147.021 of the Revised Code for a notary public commission. 1298

(C) The application required under division (A) of this 1299
section shall be transmitted electronically to the secretary of 1300
state and shall include all of the following information: 1301

(1) The applicant's full legal name and official notary 1302
public name to be used in acting as an online notary public; 1303

(2) A description of the technology the applicant intends 1304
to use in performing online notarizations; 1305

(3) A certification that the applicant will comply with 1306
the rules adopted under section 147.62 of the Revised Code; 1307

(4) An electronic mail address of the applicant; 1308

(5) Any decrypting instructions, keys, codes, or software 1309
necessary to enable the application to be read; 1310

(6) Proof of successful completion of the course and 1311
passage of the examination required under division (B) of this 1312

section; 1313

(7) A disclosure of any and all license or commission 1314
revocations or other professional disciplinary actions taken 1315
against the applicant; 1316

(8) Any other information that the secretary of state may 1317
require. 1318

(D) (1) If the secretary of state is satisfied that an 1319
applicant meets the standards adopted in rules under section 1320
147.62 of the Revised Code, and that the applicant is otherwise 1321
qualified to be an online notary public, then the secretary 1322
shall issue to the applicant a written authorization to perform 1323
online notarizations during the term of the applicant's 1324
commission as a notary public. 1325

(a) The authorization shall expire when the notary 1326
public's commission expires under section 147.03 or 147.031 of 1327
the Revised Code. 1328

(b) The authorization may be renewed when the notary 1329
public's commission is renewed. 1330

(2) (a) The secretary may deny an application for an online 1331
notary public if any of the required information is missing or 1332
incorrect on the application form. 1333

(b) The secretary may also deny an application if the 1334
technology the applicant identifies as the technology the 1335
applicant will use for online notarizations is not approved by 1336
the secretary. 1337

(E) Nothing in this section shall be construed as 1338
prohibiting an online notary public from receiving, installing, 1339
and utilizing a software update to the technology used by the 1340

online notary public and approved by the secretary of state to 1341
perform online notarizations, if that software update does not 1342
result in a technology that is materially different from that 1343
approved by the secretary of state. 1344

(F) (1) If a notary public changes either the hardware or 1345
the software that the notary intends to use to carry out online 1346
notarizations, then the notary shall inform the secretary of 1347
this intent on a form prescribed by the secretary. 1348

(2) If the secretary determines that the new hardware or 1349
software does not meet the standards prescribed in rules under 1350
section 147.62 of the Revised Code, then the secretary may 1351
suspend or revoke the notary's authority to perform online 1352
notarizations. 1353

(G) The secretary of state may establish a reasonable fee, 1354
not to exceed twenty-five dollars, for an application submitted 1355
under this section. 1356

Sec. 147.64. (A) (1) Except as provided in division (A) (2) 1357
of this section, an online notary public has the authority to 1358
perform any notarial act as an online notarization. 1359

(2) An online notary public shall not take or certify a 1360
deposition as an online notarization. 1361

(B) A notary public of this state who has been authorized 1362
by the secretary of state to perform online notarizations may 1363
perform online notarizations only if both of the following 1364
conditions are met: 1365

(1) The online notary public is a resident of this state. 1366

(2) The online notary public is located within the 1367
geographical boundaries of this state at the time of the online 1368

notarization. 1369

(C) (1) A notary public may perform an online notarization 1370
by means of audio-video communication in compliance with this 1371
act and any other rules adopted by the secretary of state for 1372
any principal who is located within the territory of the United 1373
States. 1374

(2) A notary public may perform an online notarization for 1375
a principal located outside the territory of the United States 1376
only if both of the following conditions are met: 1377

(a) The act is not known by the notary public to be 1378
prohibited in the jurisdiction in which the principal is 1379
physically located at the time of the act. 1380

(b) The record meets any of the following: 1381

(i) Is part of, or pertains to, a matter that is to be 1382
filed with or is before a court, governmental entity, or other 1383
entity located in the territorial jurisdiction of the United 1384
States; 1385

(ii) Involves real or personal property located in the 1386
territorial jurisdiction of the United States; 1387

(iii) Is part of, or pertains to, a transaction 1388
substantially connected with the United States. 1389

(D) If an online notarization requires a principal to 1390
appear before an online notary public, the principal shall 1391
appear in person before the notary public and the principal and 1392
the notary public shall each sign the record with an electronic 1393
signature. 1394

(E) (1) In performing an online notarization, a notary 1395
public shall determine from personal knowledge or satisfactory 1396

evidence of identity as described in division (E)(2) of this 1397
section that the principal appearing before the notary by means 1398
of live audio-video communication is the individual that he or 1399
she purports to be. 1400

(2) A notary public has satisfactory evidence of identity 1401
if the notary can identify the individual who appears in person 1402
before the notary by means of audio-video communication based on 1403
either of the following: 1404

(a) All of the following: 1405

(i) Remote presentation by the principal of a government- 1406
issued identification credential, including a passport or 1407
driver's license, that contains the signature and photograph of 1408
the principal; 1409

(ii) Credential analysis of the identification credentials 1410
provided; 1411

(iii) Identity proofing of the principal. 1412

(b) Verification by a credible witness or witnesses 1413
personally appearing before the notary and who can be identified 1414
by either of the following: 1415

(i) Personal knowledge on the part of the notary; 1416

(ii) Presentation of a government-issued identification 1417
credential, including a passport or driver's license, that 1418
contains the signature and photograph of the witness. 1419

(F) The certificate of notarial act for an online 1420
notarization shall include a notation that the notarial act is 1421
an online notarization. 1422

(G) The secretary of state shall include in rules adopted 1423

under section 147.62 of the Revised Code modified forms of 1424
notarial certificates for any notarial act that is an online 1425
notarization. 1426

Sec. 147.65. (A) An online notary public shall maintain 1427
one or more electronic journals in which the online notary 1428
public records, in chronological order, all online notarizations 1429
that the online notary public performs. The electronic journal 1430
shall enable access by a password or other secure means of 1431
authentication and be in a tamper-evident electronic format 1432
complying with the rules of the secretary of state adopted under 1433
section 147.62 of the Revised Code. 1434

(B) For every online notarization, the online notary 1435
public shall record the following information in the electronic 1436
journal: 1437

(1) The date and time of the notarial act; 1438

(2) The type of notarial act; 1439

(3) The title or a description of the record being 1440
notarized, if any; 1441

(4) The electronic signature of each principal; 1442

(5) The printed full name and address of each principal; 1443

(6) If identification of the principal is based on 1444
personal knowledge, a statement to that effect; 1445

(7) If identification of the principal is based on 1446
satisfactory evidence of identity pursuant to division (E) (2) of 1447
section 147.64 of the Revised Code, a description of the 1448
evidence relied upon, including the date of issuance or 1449
expiration of any identification credential presented; 1450

<u>(8) If identification of the principal is based on a</u>	1451
<u>credible witness or witnesses, the name of the witness or</u>	1452
<u>witnesses;</u>	1453
<u>(9) If the notarization was not performed at the online</u>	1454
<u>notary public's business address, the address where the</u>	1455
<u>notarization was performed;</u>	1456
<u>(10) A description of the online notarization system used;</u>	1457
<u>(11) The fee, if any, charged by the notary;</u>	1458
<u>(12) The name of the jurisdiction in which the principal</u>	1459
<u>was located at the time of the online notarization;</u>	1460
<u>(13) The recording upon which the identification of the</u>	1461
<u>principal is based, as required under division (D) (3) of this</u>	1462
<u>section;</u>	1463
<u>(14) Any other information required by the secretary of</u>	1464
<u>state.</u>	1465
<u>(C) An online notary public shall not record a social</u>	1466
<u>security number in the electronic journal.</u>	1467
<u>(D) An online notary public shall do all of the following:</u>	1468
<u>(1) Take reasonable steps to ensure the integrity,</u>	1469
<u>security, and authenticity of online notarizations;</u>	1470
<u>(2) Take reasonable steps to ensure that the two-way,</u>	1471
<u>audio-video communication used in an online notarization is</u>	1472
<u>secure from unauthorized interception;</u>	1473
<u>(3) Create and maintain pursuant to this section a</u>	1474
<u>complete recording of the audio-video communication that is the</u>	1475
<u>basis for identification of a principal for each online</u>	1476
<u>notarization;</u>	1477

(4) Maintain a backup for the electronic journal required 1478
by division (A) of this section and the audio-video recordings 1479
required by division (D) (3) of this section; 1480

(5) (a) Safeguard the electronic journal and all other 1481
notarial records by doing all of the following: 1482

(i) Not allowing the electronic journal to be used by 1483
another notary; 1484

(ii) Creating the audio-video recording required under 1485
division (D) (3) of this section in a tamper-evident electronic 1486
format complying with the rules of the secretary of state 1487
adopted under section 147.62 of the Revised Code; 1488

(iii) Protecting the electronic journal and audio-video 1489
recordings from unauthorized use. 1490

(b) An online notary public may use a third party to keep 1491
and store the electronic journal. The secretary of state shall 1492
adopt in rule standards pertaining to the use of such a third 1493
party. 1494

(6) Surrender or destroy the electronic journal and all 1495
other notarial records only by rule of law, by court order, or 1496
at the direction of the secretary of state; 1497

(7) Not surrender the electronic journal to an employer 1498
upon termination of employment. 1499

(E) (1) An employer shall not retain the electronic journal 1500
of an employee who is an online notary public when the notary's 1501
employment ceases. 1502

(2) Notwithstanding division (E) (1) of this section, an 1503
online notary public may make an agreement with a current or 1504
former employer pursuant to division (D) (5) (b) of this section. 1505

(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. 1506
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(F) If an electronic journal is lost, stolen, or
compromised, the online notary public shall notify the secretary
of state on discovery of the loss, theft, or breach of security. 1510
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(G) Except as provided in division (D) 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 for at least five years after the
date of the applicable transaction or proceeding. Upon the
expiration of this five-year period, 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. 1513
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(H) (1) 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: 1527
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(a) The person specifies the month, year, type of record,
and name of the principal for the notarial act, in a signed
tangible or electronic request. 1530
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(b) The notary does not surrender possession or control of
the journal. 1533
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(c) The person is shown or given a copy of only the entry 1535
or entries specified. 1536

(d) A separate new entry is made in the journal, 1537
explaining the circumstances of the request and noting any 1538
related act of copy certification by the online notary public. 1539

(2) An online notary public who has a reasonable and 1540
explainable belief that a person requesting information from the 1541
notary's journal has a criminal or other inappropriate purpose 1542
may deny access to any entry or entries. 1543

(I) The journal may be examined and copied without 1544
restriction by a law enforcement officer, as defined in section 1545
2901.01 of the Revised Code, in the course of an official 1546
investigation, subpoenaed by court order, or surrendered at the 1547
direction of the secretary of state. 1548

Sec. 147.66. (A) An online notary public shall take 1549
reasonable steps to ensure that any device or software used to 1550
create an official electronic signature is current and has not 1551
been recalled or declared vulnerable by the device or software's 1552
manufacturer, seller, or developer. 1553

(B) Except as provided in division (D) (5) (b) of section 1554
147.65 of the Revised Code, an online notary public shall keep 1555
the online notary public's electronic journal, official 1556
electronic signature, and electronic seal secure and under the 1557
online notary public's exclusive control. The online notary 1558
public shall not allow another person to use the online notary 1559
public's electronic journal, official electronic signature, or 1560
electronic seal. An online notary public may use the online 1561
notary public's official electronic signature only for 1562
performing online notarizations. An online notary public shall 1563

immediately notify an appropriate law enforcement agency and the 1564
secretary of state of the theft or vandalism of the online 1565
notary public's electronic journal, official electronic 1566
signature, or electronic seal. An online notary public shall 1567
immediately notify the secretary of state of the loss, 1568
compromise, or use by another person of the online notary 1569
public's electronic journal, official electronic signature, or 1570
electronic seal. 1571

(C) An online notary public shall attach the online notary 1572
public's electronic signature and electronic seal to the 1573
notarial certificate of an electronic document in a manner that 1574
is capable of independent verification and renders any 1575
subsequent change or modification to the electronic document 1576
evident. 1577

(D) (1) (a) Upon resignation, revocation, or expiration 1578
without renewal of an online notary public commission, the 1579
online notary public shall transmit the electronic journal to 1580
the secretary of state or to a repository approved by the 1581
secretary of state. This requirement does not apply to 1582
electronic journals that, as of the date of the resignation or 1583
expiration, were no longer kept in accordance with division (G) 1584
of section 147.65 of the Revised Code. If the electronic journal 1585
is transmitted to a repository, the online notary public shall 1586
inform the secretary of state where the journal is located 1587
during this period. 1588

(b) Upon death or adjudicated incompetence of a current or 1589
former notary public, the executor or administrator of the 1590
online notary public's estate, the notary's guardian, or any 1591
other person knowingly in possession of the online notary 1592
public's electronic journal, shall transmit the journal to the 1593

secretary of state or to a repository approved by the secretary 1594
of state. 1595

(2) The online notary public, the notary's personal 1596
representative or guardian, or the administrator or the executor 1597
of the notary's estate shall provide access instructions to the 1598
secretary of state for any electronic journal maintained or 1599
stored by the online notary public, upon commission resignation, 1600
revocation, or expiration without renewal, or upon the death or 1601
adjudicated incompetence of the online notary public, if that 1602
person is in possession of such instructions. 1603

(3) The secretary of state or repository receiving a 1604
journal transmitted under division (D)(1) of this section shall 1605
maintain the journal for a period of ten years. 1606

Sec. 2303.20. Under the circumstances described in 1607
sections 2969.21 to 2969.27 of the Revised Code, the clerk of 1608
the court of common pleas shall charge the fees and perform the 1609
other duties specified in those sections. In all other cases, 1610
the clerk shall charge the following fees and no more: 1611

(A) Twenty-five dollars for each cause of action which 1612
shall include the following: 1613

(1) Docketing in all dockets; 1614

(2) Filing necessary documents, noting the filing of the 1615
documents, except subpoena, on the dockets; 1616

(3) Issuing certificate of deposit in foreign writs; 1617

(4) Indexing pending suits and living judgments; 1618

(5) Noting on appearance docket all papers mailed; 1619

(6) Certificate for attorney's fee; 1620

(7) Certificate for stenographer's fee;	1621
(8) Preparing cost bill;	1622
(9) Entering on indictment any plea;	1623
(10) Entering costs on docket and cash book.	1624
(B) Two dollars for taking each undertaking, bond, or recognizance;	1625 1626
(C) Two dollars for issuing each writ, order, or notice, except subpoena;	1627 1628
(D) Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;	1629 1630
(E) Twenty-five dollars for calling a jury in each cause;	1631
(F) Two dollars for each page, for entering on journal, indexing, and posting on any docket;	1632 1633
(G) Three dollars for each execution or transcript of judgment, including indexing;	1634 1635
(H) One dollar for each page, for making complete record, including indexing;	1636 1637
(I) Five dollars for certifying a plat recorded in the county recorder's office;	1638 1639
(J) Five dollars for issuing certificate to receiver or order of reference with oath;	1640 1641
(K) Five dollars for entering satisfaction or partial satisfaction of each lien on record in the county recorder's office, and the clerk of courts' office;	1642 1643 1644
(L) One dollar for each certificate of fact under seal of the court, to be paid by the party demanding it;	1645 1646

(M) One dollar for taking each affidavit, including certificate and seal;	1647 1648
(N) Two dollars for acknowledging all instruments in writing;	1649 1650
(O) Five dollars for making certificate of judgment;	1651
(P) Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;	1652 1653 1654
(Q) Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;	1655 1656 1657
(R) Five dollars for recording commission of mayor or notary public ;	1658 1659
(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;	1660 1661 1662
(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;	1663 1664 1665
(U) Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;	1666 1667 1668
(V) A commission of two per cent on the first ten thousand dollars and one per cent on all exceeding ten thousand dollars 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;	1669 1670 1671 1672 1673 1674

(W) Five dollars for numbering, docketing, indexing, and 1675
filing each authenticated or certified copy of the record, or 1676
any portion of an authenticated or certified copy of the record, 1677
of an extra county action or proceeding; 1678

(X) Two dollars for each certificate of divorce, 1679
annulment, or dissolution of marriage to the bureau of vital 1680
statistics; 1681

(Y) Two dollars for each electronic transmission of a 1682
document, plus one dollar for each page of that document. These 1683
fees are to be paid by the party requesting the electronic 1684
transmission. 1685

(Z) One dollar for each page, for copies of pleadings, 1686
process, record, or files, including certificate and seal. 1687

Section 2. That existing sections 109.572, 147.01, 147.03, 1688
147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 1689
147.371, 147.51, 147.55, and 2303.20 and sections 147.02 and 1690
147.09 of the Revised Code are hereby repealed. 1691