

I_135_0431-3

135th General Assembly
Regular Session
2023-2024

Sub. S. B. No. 94

A BILL

To amend sections 317.13, 317.32, 317.36, 1113.13, 1337.04, 2329.02, 4513.61, 4513.62, 4513.63, 4513.64, 4513.66, and 5323.02 and to enact section 5301.234 of the Revised Code and to amend Section 413.10 of H.B. 33 of the 135th General Assembly to make various changes regarding recorded instruments, powers of attorney, judgment liens, mortgage subrogation, law enforcement towing laws, and state stock banks, and to make an appropriation.

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

Section 1. That sections 317.13, 317.32, 317.36, 1113.13, 1337.04, 2329.02, 4513.61, 4513.62, 4513.63, 4513.64, 4513.66, and 5323.02 be amended and section 5301.234 of the Revised Code be enacted to read as follows:

Sec. 317.13. (A) Except as otherwise provided in division (B) of this section, the county recorder shall record in the official records, in legible handwriting, typewriting, or printing, or by any authorized photographic or electronic



process, all deeds, mortgages, plats, or other instruments of 19
writing that are required or authorized by the Revised Code to 20
be recorded and that are presented to the county recorder for 21
that purpose. The county recorder shall record the instruments 22
in regular succession, according to the priority of 23
presentation, and shall enter the file number at the beginning 24
of the record. On the record of each instrument, the county 25
recorder shall record the date and precise time the instrument 26
was presented for record. All records made, prior to July 28, 27
1949, by means authorized by this section or by section 9.01 of 28
the Revised Code shall be deemed properly made. 29

(B) (1) The county recorder may refuse to record an 30
instrument of writing presented for recording if the instrument 31
is not required or authorized by the Revised Code to be recorded 32
or the county recorder has reasonable cause to believe the 33
instrument is materially false or fraudulent. 34

(2) The county recorder shall refuse to record a right-to- 35
list home sale agreement described in division (B) of section 36
5301.94 of the Revised Code. 37

Division (B) of this section does not create a duty upon a 38
recorder to inspect, evaluate, or investigate an instrument of 39
writing, including a right-to-list home sale agreement, that is 40
presented for recording. 41

(C) If a person presents an instrument of writing to the 42
county recorder for recording and the county recorder, pursuant 43
to division (B) of this section, refuses to record the 44
instrument, the person has a cause of action for an order from 45
the court of common pleas in the county that the county recorder 46
serves, to require the county recorder to record the instrument. 47
If the court determines that the instrument is required or 48

authorized by the Revised Code to be recorded, is not materially 49
false or fraudulent, and is not a right-to-list home sale 50
agreement, it shall order the county recorder to record the 51
instrument. 52

(D) The county recorder shall keep confidential 53
information that is subject to a real property confidentiality 54
notice under section 111.431 of the Revised Code, in accordance 55
with that section. A copy of the real property confidentiality 56
notice shall accompany subsequent recordings of the property, 57
unless the program participant's certification has been canceled 58
under section 111.431 or 111.45 of the Revised Code. 59

(E) (1) Not later than June 30, 2025, each county recorder, 60
county auditor, and county engineer shall make available to the 61
public a method for electronically recording instruments related 62
to conveyances of real property that adheres to the standards 63
governing conveyances of real property adopted by a county in 64
accordance with section 319.203 of the Revised Code. 65

(2) Not later than June 30, 2025, a county recorder shall 66
make available to the public a method for electronically 67
recording instruments, other than those related to conveyances 68
of real property, specified in division (A) or (D) of section 69
317.08 of the Revised Code, except division (A)(24) of that 70
section. 71

(3) Divisions (E) (1) and (2) of this section do not apply 72
to instruments specifically exempt from recording under either 73
of the following: 74

(a) The standards governing conveyances of real property 75
adopted by a county in accordance with section 319.203 of the 76
Revised Code; or 77

(b) The minimum standards for boundary surveys promulgated 78
by the board of registration for professional engineers and 79
surveyors pursuant to Chapter 4733. of the Revised Code. 80

(F) Not later than June 30, 2025, a county recorder shall 81
make available to the public on the county recorder's web site 82
electronic indexes for, and electronic versions of, all 83
instruments recorded on or after January 1, 1980, except veteran 84
discharge papers recorded under section 317.24 of the Revised 85
Code or any instrument or portion thereof prohibited from being 86
disclosed under federal or state law. A county recorder may 87
require a username and password to access the electronic indexes 88
and instruments, but may not require a fee to create a username 89
and password or to otherwise access the electronic indexes and 90
instruments. 91

Sec. 317.32. The county recorder shall charge and collect 92
~~the following fees,~~ to include, except as otherwise provided in 93
division (A)(2) of this section, base fees for the recorder's 94
services and housing trust fund fees collected pursuant to 95
section 317.36 of the Revised Code, and may charge and collect a 96
document preservation surcharge, as follows: 97

(A)(1) Except as otherwise provided in division (A)(2) of 98
this section, for recording and indexing an instrument if the 99
photocopy or any similar process is employed, ~~a~~: 100

(a) A base fee of seventeen dollars for the first two 101
pages and a housing trust fund fee of seventeen dollars, and a 102
base fee of four dollars and a housing trust fund fee of four 103
dollars for each subsequent page, size eight and one-half inches 104
by fourteen inches, or fraction of a page, including the caption 105
page, of such instrument; and 106

(b) A document preservation surcharge of up to five 107
dollars, which shall be deposited in the county treasury to the 108
credit of the county general fund. 109

(2) For recording and indexing an instrument described in 110
division (D) of section 317.08 of the Revised Code if the 111
photocopy or any similar process is employed, a fee of ~~twenty-~~ 112
~~eight-thirty-four~~ dollars for the first two pages to be 113
deposited as specified elsewhere in this division, and a fee of 114
eight dollars to be deposited in the same manner for each 115
subsequent page, size eight and one-half inches by fourteen 116
inches, or fraction of a page, including the caption page, of 117
that instrument. If the county recorder's technology fund has 118
been established under section 317.321 of the Revised Code, of 119
the ~~twenty-eight-thirty-four~~ dollars, ~~fourteen-seventeen~~ dollars 120
shall be deposited into the county treasury to the credit of the 121
county recorder's technology fund and ~~fourteen-seventeen~~ dollars 122
shall be deposited into the county treasury to the credit of the 123
county general fund. If the county recorder's technology fund 124
has not been established, the ~~twenty-eight-thirty-four~~ dollars 125
shall be deposited into the county treasury to the credit of the 126
county general fund. 127

(3) The document preservation surcharge is intended to 128
support the preservation and digitization of documents and 129
ongoing costs incurred by a county recorder's office to make 130
available to the public a web site with appropriate security 131
features, electronic document hosting, online viewing, and print 132
and download features that enable an individual to print or 133
download a copy of a public record from the web site. 134

(B) For certifying a copy or electronic record from the 135
record previously recorded, a base fee of one dollar and a 136

housing trust fund fee of one dollar per page, size eight and 137
one-half inches by fourteen inches, or fraction of a page; for 138
each certification if the recorder's seal is required, except as 139
to instruments issued by the armed forces of the United States, 140
a base fee of fifty cents and a housing trust fund fee of fifty 141
cents; 142

(C) For entering or indexing any marginal reference, or 143
any reference previously accomplished as a marginal reference 144
now accomplished through electronic means, by separate recorded 145
instrument, a base fee of two dollars and a housing trust fund 146
fee of two dollars for each marginal reference, or reference 147
previously accomplished as a marginal reference now accomplished 148
through electronic means, set out in that instrument, in 149
addition to the fees set forth in division (A) (1) of this 150
section; 151

(D) For indexing in the real estate mortgage records, 152
pursuant to section 1309.519 of the Revised Code, financing 153
statements covering crops growing or to be grown, timber to be 154
cut, minerals or the like, including oil and gas, accounts 155
subject to section 1309.301 of the Revised Code, or fixture 156
filings made pursuant to section 1309.334 of the Revised Code, a 157
base fee of two dollars and a housing trust fund fee of two 158
dollars for each name indexed; 159

(E) For filing zoning resolutions, including text and 160
maps, in the office of the recorder as required under sections 161
303.11 and 519.11 of the Revised Code, a base fee of twenty-five 162
dollars and a housing trust fund fee of twenty-five dollars, 163
regardless of the size or length of the resolutions; 164

(F) For filing zoning amendments, including text and maps, 165
in the office of the recorder as required under sections 303.12 166

and 519.12 of the Revised Code, a base fee of ten dollars and a 167
housing trust fund fee of ten dollars regardless of the size or 168
length of the amendments; 169

(G) For photocopying a document, other than at the time of 170
recording and indexing as provided for in division (A)(1) or (2) 171
of this section, a base fee of one dollar and a housing trust 172
fund fee of one dollar per page, size eight and one-half inches 173
by fourteen inches, or fraction thereof; 174

(H) For local facsimile or electronic transmission of a 175
document, a base fee of one dollar and a housing trust fund fee 176
of one dollar per page, size eight and one-half inches by 177
fourteen inches, or fraction thereof; for long distance 178
facsimile transmission of a document, a base fee of two dollars 179
and a housing trust fund fee of two dollars per page, size eight 180
and one-half inches by fourteen inches, or fraction thereof; 181

(I) For recording a declaration executed pursuant to 182
section 2133.02 of the Revised Code or a durable power of 183
attorney for health care executed pursuant to section 1337.12 of 184
the Revised Code, or both a declaration and a durable power of 185
attorney for health care, a base fee of at least ~~fourteen~~ 186
seventeen dollars but not more than twenty dollars and a housing 187
trust fund fee of at least ~~fourteen~~ seventeen dollars but not 188
more than twenty dollars. 189

In any county in which the recorder employs the 190
photostatic or any similar process for recording maps, plats, or 191
prints the recorder shall determine, charge, and collect for the 192
recording or rerecording of any map, plat, or print, a base fee 193
of five cents and a housing trust fund fee of five cents per 194
square inch, for each square inch of the map, plat, or print 195
filed for that recording or rerecording, with a minimum base fee 196

of twenty dollars and a minimum housing trust fund fee of twenty 197
dollars; for certifying a copy from the record, a base fee of 198
two cents and a housing trust fund fee of two cents per square 199
inch of the record, with a minimum base fee of two dollars and a 200
minimum housing trust fund fee of two dollars. 201

The fees provided in this section shall be paid upon the 202
presentation of the instruments for record or upon the 203
application for any certified copy of the record, except that 204
the payment of fees for providing copies of instruments 205
conveying or extinguishing agricultural easements to the office 206
of farmland preservation in the department of agriculture under 207
division (H) of section 5301.691 of the Revised Code shall be 208
governed by that division, and payment of fees for electronic 209
recording may be made by electronic funds transfer, automated 210
clearing house, or other electronic means after presentation. 211

The fees provided for in this section shall not apply to 212
the recording, indexing, or making of a certified copy or to the 213
filing of any instrument by a county land reutilization 214
corporation. 215

The fees provided for in this section shall not apply to 216
the recording, indexing, or making of a certified copy or to the 217
filing of any instrument by a county land reutilization 218
corporation's wholly owned subsidiary or any other electing 219
subdivision as defined in section 5722.01 of the Revised Code if 220
the wholly owned subsidiary or the electing subdivision is 221
acting in capacity consistent with the purpose of the land 222
reutilization program. 223

Sec. 317.36. (A) The county recorder shall collect the 224
low- and moderate-income housing trust fund fee as specified in 225
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 226

4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 227
6101.09, and 6115.09 of the Revised Code. The amount of any 228
housing trust fund fee the recorder is authorized to collect is 229
equal to the amount of any base fee the recorder is authorized 230
to collect for services. The housing trust fund fee shall be 231
collected in addition to the base fee. 232

(B) The recorder shall certify the amounts collected as 233
housing trust fund fees pursuant to division (A) of this section 234
into the county treasury as housing trust fund fees to be paid 235
to the treasurer of state pursuant to section 319.63 of the 236
Revised Code. 237

(C) The document preservation surcharge collected under 238
section 317.32 of the Revised Code is not a base fee under this 239
section. 240

Sec. 1113.13. (A) After subscriptions to shares have been 241
received by the incorporators, the board of directors of a stock 242
state bank may, subject to the requirements of this section, 243
adopt amendments to the bank's articles of incorporation to do 244
any of the following: 245

(1) Authorize the shares necessary to meet conversion or 246
option rights when all of the following apply: 247

(a) The bank has issued shares of one class convertible 248
into shares of another class or obligations convertible into 249
shares of the bank, or has granted options to purchase shares. 250

(b) The conversion or option rights are set forth in the 251
articles of incorporation or have been approved by the same vote 252
of shareholders as, at the time of the approval, would have been 253
required to amend the articles of incorporation to authorize the 254
shares required for that purpose. 255

(c) The bank does not have sufficient authorized and unissued shares available to satisfy the conversion or option rights.

(2) Reduce the authorized number of shares of a class by the number of shares of that class that have been redeemed, or have been surrendered to or acquired by the bank upon conversion, exchange, purchase, or otherwise, or to eliminate from the articles of incorporation all references to the shares of a class, and to make any other change required, when all of the authorized shares of that class have been redeemed, or surrendered to or acquired by the bank;

(3) Reduce the authorized number of shares of a class by the number of shares of that class that were canceled for not being issued or reissued and for not being fully paid in within one year after the date they were authorized or otherwise became authorized and unissued shares;_

(4) For any purpose authorized by section 1701.70 of the Revised Code.

(B) The board of directors of a stock state bank may adopt amended articles of incorporation to consolidate the original articles of incorporation and all previously adopted amendments to the articles of incorporation that are in force at the time.

(C) Amended articles of incorporation shall set forth all provisions required in, and only provisions that may properly be in, original articles of incorporation or amendments to articles of incorporation at the time the amended articles of incorporation are adopted, and shall state that they supersede the existing articles of incorporation.

(D) (1) If the board of directors propose the adoption of

any amendment to a stock state bank's articles of incorporation 285
or amended articles of incorporation, the bank shall send to the 286
superintendent of financial institutions a copy of the proposed 287
amendment or amended articles of incorporation for review and 288
approval prior to adoption by the board. 289

(2) Upon receiving a proposed amendment or amended 290
articles of incorporation, the superintendent shall conduct 291
whatever examination the superintendent considers necessary to 292
determine if both of the following conditions are satisfied: 293

(a) The proposed amendment or amended articles of 294
incorporation comply with the requirements of the Revised Code. 295

(b) The proposed amendment or amended articles of 296
incorporation will not adversely affect the interests of the 297
bank's depositors and creditors. 298

(3) Within forty-five days after receiving the proposed 299
amendment or amended articles of incorporation, the 300
superintendent shall notify the bank of the superintendent's 301
approval or disapproval unless the superintendent determines 302
additional information is required. In that event, the 303
superintendent shall request the information in writing within 304
twenty days after the date the proposed amendment or amended 305
articles of incorporation were received. The bank shall have 306
thirty days to submit the information to the superintendent. The 307
superintendent shall notify the bank of the superintendent's 308
approval or disapproval of the proposed amendment or amended 309
articles of incorporation within forty-five days after the date 310
the additional information is received. If the proposed 311
amendment or amended articles of incorporation are disapproved 312
by the superintendent, the superintendent shall notify the bank 313
of the reasons for the disapproval. 314

(4) If the superintendent fails to approve or disapprove 315
the proposed amendment or amended articles of incorporation 316
within the time period required by division (D) (3) of this 317
section, the proposed amendment or amended articles of 318
incorporation shall be considered approved. 319

(5) If the proposed amendment or amended articles of 320
incorporation are approved, in no event shall that approval be 321
construed or represented as an affirmative endorsement of the 322
amendment or amended articles of incorporation by the 323
superintendent. 324

(E) (1) Upon adoption by the board of directors of any 325
approved amendment to a stock state bank's articles of 326
incorporation, the bank shall send to the superintendent a 327
certificate containing a copy of the directors' resolution 328
adopting the amendment and a statement of the manner of and 329
basis for its adoption. The certificate shall be signed by the 330
bank's authorized representatives in accordance with section 331
1103.19 of the Revised Code. 332

(2) Upon adoption by the board of directors of approved 333
amended articles of incorporation, the bank shall send to the 334
superintendent a copy of the amended articles of incorporation, 335
accompanied by a certificate containing a copy of the directors' 336
resolution adopting the amended articles of incorporation and a 337
statement of the manner of and basis for its adoption. The 338
certificate shall be signed by the bank's authorized 339
representatives in accordance with section 1103.19 of the 340
Revised Code. 341

(F) Upon receiving a certificate required by division (E) 342
of this section, the superintendent shall conduct whatever 343
examination the superintendent considers necessary to determine 344

if the manner of and basis for adoption of the amendment or 345
amended articles of incorporation comply with the requirements 346
of the Revised Code. 347

(G) (1) Within thirty days after receiving a certificate 348
required by division (E) of this section, the superintendent 349
shall approve or disapprove the amendment or amended articles of 350
incorporation. If the superintendent approves the amendment or 351
amended articles of incorporation, the superintendent shall 352
forward a certificate of that approval, a copy of the 353
certificate required by division (E) of this section, and a copy 354
of the amendment or amended articles of incorporation to the 355
secretary of state, who shall file the documents. Upon filing by 356
the secretary of state, the amendment or amended articles of 357
incorporation shall be effective. 358

(2) If the superintendent fails to approve or disapprove 359
the amendment or amended articles of incorporation within thirty 360
days after receiving a certificate required by division (E) of 361
this section, the bank shall forward a copy of the certificate 362
and a copy of the amendment or amended articles of incorporation 363
to the secretary of state, who shall file the documents. Upon 364
filing by the secretary of state, the amendment or amended 365
articles of incorporation shall be effective. 366

Sec. 1337.04. ~~A power of attorney for the conveyance, (A)~~ 367
~~As used in this section, "real property interest" means a deed,~~ 368
~~mortgage, land installment contract, or lease of an interest in~~ 369
~~real property must.~~ 370

(B) A power of attorney used for the execution of a real 371
property instrument shall be properly executed and acknowledged 372
by the principal before the execution and acknowledgement of 373
such real property instrument executed by virtue of such power 374

of attorney. 375

For purposes of this section, if the execution and 376
acknowledgement of the power of attorney is dated the same date 377
as the execution and acknowledgment of the real property 378
instrument, the power of attorney shall be presumed to have been 379
executed and acknowledged before the execution and 380
acknowledgment of the real property instrument. 381

(C) A power of attorney used for the execution of a real 382
property instrument shall be recorded in the office of the 383
county recorder of the county in which such property is 384
situated, ~~previous to~~ before the recording of a deed, mortgage, 385
~~or lease~~ the real property instrument executed by virtue of such 386
power of attorney. 387

For purposes of this section, a power of attorney that is 388
known to have been recorded the same day, but after, the 389
recording of the real property instrument shall be considered to 390
have been recorded before the real property instrument. 391

If a power of attorney is not recorded before, or is not 392
known to have been recorded on the same day as, the recording of 393
the real property instrument executed by virtue of such power of 394
attorney, the power of attorney may be subsequently placed of 395
record as an attachment to a supporting affidavit made by any 396
person having knowledge of the facts or competent to testify 397
concerning them in open court, so long as the power of attorney 398
was executed and acknowledged not later than the day of the 399
execution of the real property instrument. The supporting 400
affidavit shall include all of the following: 401

(1) The name of the person appearing by record to be the 402
owner of the property described in the real property instrument 403

executed by virtue of the power of attorney at the time of the 404
recording of the affidavit; 405

(2) The permanent parcel number of the property; 406

(3) The legal description of the property subject to the 407
real property instrument executed by virtue of the power of 408
attorney; 409

(4) The official record reference of the real property 410
instrument executed by virtue of the power of attorney; 411

(5) If the power of attorney that the affidavit 412
accompanies is a photocopy of the power of attorney, rather than 413
the original, a statement that the photocopy is a true and 414
accurate copy and a statement regarding why the original is not 415
being recorded. 416

(D) The county recorder shall record the supporting 417
affidavit in the official records, indexed by the name of the 418
current record owner. 419

(E) Notwithstanding any contrary provision set forth in 420
this section, a real property instrument executed by virtue of a 421
power of attorney that has been of record for a period of ten 422
years or more shall be presumed valid and of full force and 423
effect if the power of attorney has not been placed of record. 424

(F) The amendments to this section by S.B. 94 of the 135th 425
general assembly have no effect on the rights of a bona fide 426
purchaser for value who acquired those rights without actual 427
knowledge or constructive notice of the power of attorney, the 428
real property instrument executed by virtue of the power of 429
attorney, or an affidavit that meets the requirements of 430
division (C) of this section. 431

(G) The amendments to this section by S.B. 94 of the 135th 432
general assembly have no effect on the law of constructive 433
notice or chain of title analysis set forth in *Spring Lakes* 434
Ltd. v. O.F.M. Co., 12 Ohio St.3d 333 (1984); *Ohio Turnpike* 435
Commission v. Spellman Outdoor Advertising Services, LLC, 2010- 436
Ohio-1705; and *Spellman Outdoor Advertising Services, LLC v.* 437
Ohio Turnpike and Infrastructure Commission, 2016-Ohio-7152. 438

(H) The amendments to this section by S.B. 94 of the 135th 439
general assembly shall be given retroactive effect to the 440
fullest extent permitted under Section 28 of Article II, Ohio 441
Constitution. The amendments to this section shall not be given 442
retroactive effect if to do so would affect any accrued 443
substantive right or vested rights in any person or in any real 444
property instrument. 445

Sec. 2329.02. Any judgment or decree rendered by any court 446
of general jurisdiction, including district courts of the United 447
States, within this state shall be a lien upon lands and 448
tenements of each judgment debtor within any county of this 449
state from the time there is filed in the office of the clerk of 450
the court of common pleas of such county a certificate of such 451
judgment, setting forth ~~the~~ all of the following: 452

(A) The court in which the same was rendered, ~~the;~~ 453

(B) The title and number of the action, ~~the;~~ 454

(C) The names of the judgment creditors and judgment 455
debtors, ~~the;~~ 456

(D) The last known address, without further inquiry or 457
investigation, that is not a post office box, of each judgment 458
debtor; 459

(E) The amount of the judgment and costs, ~~the;~~ 460

(F) The rate of interest, if the judgment provides for 461
interest, and the date from which such interest accrues, ~~the;~~ 462

(G) The date of rendition of the judgment, ~~and the;~~ 463

(H) The volume and page, or instrument number, if any, of 464
the journal entry thereof. 465

No such judgment or decree shall be a lien upon any lands, 466
whether or not situated within the county in which such judgment 467
is rendered, registered under sections 5309.02 to 5309.98, ~~—~~ 468
~~inclusive,~~ and 5310.01 to 5310.21, ~~inclusive,~~ of the Revised 469
Code, until a certificate under the hand and official seal of 470
the clerk of the court in which the same is entered or of 471
record, stating the date and purport of the judgment, giving the 472
number of the case, the full names of the parties, plaintiff and 473
defendant, the last known address that is not a post office box 474
of each defendant, and the volume and page, or instrument 475
number, of the journal or record in which it is entered, or a 476
certified copy of such judgment, stating such facts, is filed 477
and noted in the office of the county recorder of the county in 478
which the land is situated, and a memorial of the same is 479
entered upon the register of the last certificate of title to 480
the land to be affected. 481

Such certificate shall be made by the clerk of the court 482
in which the judgment was rendered, under the seal of said 483
court, upon the order of any person in whose favor such judgment 484
was rendered or upon the order of any person claiming under ~~him~~ 485
a person in whose favor such judgment was rendered, and shall be 486
delivered to the party so ordering the same; and the fee 487
therefor shall be taxed in the costs of the action. 488

When any such certificate is delivered to the clerk of the 489

court of common pleas of any county in this state, the same 490
shall be filed by such clerk, and ~~he~~the clerk shall docket and 491
index it under the names of the judgment creditors and the 492
judgment debtors in a judgment docket or similar record, which 493
shall show as to each judgment all of the matters set forth in 494
such certificate as required by this section. The fee for such 495
filing, docketing, and indexing shall be taxed as increased 496
costs of such judgment upon such judgment docket or similar 497
record and shall be included in the lien of the judgment. 498

When the clerk of any court, other than that rendering the 499
judgment, in whose office any such certificate is filed, has 500
docketed and indexed the same, ~~he~~the clerk shall indorse upon 501
such certificate the fact of such filing with the date thereof 502
and the volume and page of the docket entry of such certificate 503
and shall return the same so indorsed to the clerk of the court 504
in which the judgment was rendered, who shall note upon the 505
original docket the fact of the filing of said certificate, 506
showing the county in which the same was filed and the date of 507
such filing. When such certificate is filed, docketed, and 508
indexed in the office of the clerk of the court which rendered 509
the judgment, such clerk shall likewise indorse the certificate 510
and make like notation upon the original docket. 511

Each such judgment shall be deemed to have been rendered 512
in the county in which is kept the journal of the court 513
rendering the same, in which journal such judgment is entered. 514

Certificates or certified copies of judgments or decrees 515
of any courts of general jurisdiction, including district courts 516
of the United States, within this state, may be filed, 517
registered, noted, and memorials thereof entered, in the office 518
of the recorder of any county in which is situated land 519

registered under sections 5309.02 to 5309.98,~~inclusive,~~and 520
5310.01 to 5310.21,~~inclusive,~~of the Revised Code, for the 521
purpose of making such judgments liens upon such registered 522
land. 523

Notwithstanding any other provision of the Revised Code, 524
any judgment issued in a court of record may be transferred to 525
any other court of record. Any proceedings for collection may be 526
had on such judgment the same as if it had been issued by the 527
transferee court. 528

Sec. 4513.61. (A) The sheriff of a county or chief of a 529
law enforcement agency of a municipal corporation, township, 530
port authority, conservancy district, university campus police 531
department, park district police force, or township or joint 532
police district, within the sheriff's or chief's respective 533
territorial jurisdiction, or a state highway patrol trooper, 534
upon notification to the sheriff or chief of such action and of 535
the location of the place of storage, may order into storage any 536
motor vehicle, including an abandoned junk motor vehicle as 537
defined in section 4513.63 of the Revised Code, that: 538

(1) Has come into the possession of the sheriff, chief, or 539
state highway patrol trooper as a result of the performance of 540
the sheriff's, chief's, or trooper's duties; or 541

(2) Has been left on a public street or other property 542
open to the public for purposes of vehicular travel, or upon or 543
within the right-of-way of any road or highway, for forty-eight 544
hours or longer without notification to the sheriff or chief of 545
the reasons for leaving the motor vehicle in such place. 546
However, when such a motor vehicle constitutes an obstruction to 547
traffic it may be ordered into storage immediately unless either 548
of the following applies: 549

(a) The vehicle was involved in an accident and is subject 550
to section 4513.66 of the Revised Code; 551

(b) The vehicle is a commercial motor vehicle. If the 552
vehicle is a commercial motor vehicle, the sheriff, chief, or 553
state highway patrol trooper shall allow the owner or operator 554
of the vehicle the opportunity to arrange for the removal of the 555
motor vehicle within a period of time specified by the sheriff, 556
chief, or state highway patrol trooper. If the sheriff, chief, 557
or state highway patrol trooper determines that the vehicle 558
cannot be removed within the specified period of time, the 559
sheriff, chief, or state highway patrol trooper shall order the 560
removal of the vehicle. 561

Subject to division (C) of this section, the sheriff or 562
chief shall designate the place of storage of any motor vehicle 563
so ordered removed. 564

(B) If the sheriff, chief, or a state highway patrol 565
trooper issues an order under division (A) of this section and 566
arranges for the removal of a motor vehicle by a towing service, 567
the towing service shall deliver the motor vehicle to the 568
location designated by the sheriff or chief not more than two 569
hours after the time it is removed. 570

(C) (1) The sheriff or chief shall cause a search to be 571
made of the records of an applicable entity listed in division 572
(F) (1) of section 4513.601 of the Revised Code to ascertain the 573
identity of the owner and any lienholder of a motor vehicle 574
ordered into storage by the sheriff or chief, or by a state 575
highway patrol trooper within five business days of the removal 576
of the vehicle. Upon obtaining such identity, the sheriff or 577
chief shall send or cause to be sent to the owner ~~or~~ and any 578
lienholder at the owner's ~~or~~ and any lienholder's last known 579

address by certified or express mail with return receipt 580
requested, by certified mail with electronic tracking, or by a 581
commercial carrier service utilizing any form of delivery 582
requiring a signed receipt. The notice shall inform the owner ~~or~~ 583
and any lienholder that the motor vehicle will be declared a 584
nuisance and disposed of if not claimed within ten days of the 585
date of the sending of the notice. 586

(2) The owner or lienholder of the motor vehicle may 587
reclaim the motor vehicle upon payment of any expenses or 588
charges incurred in its removal and storage, and presentation of 589
proof of ownership, which may be evidenced by a certificate of 590
title or memorandum certificate of title to the motor vehicle, a 591
certificate of registration for the motor vehicle, or a lease 592
agreement. Upon presentation of proof of ownership evidenced as 593
provided above, the owner of the motor vehicle also may retrieve 594
any personal items from the vehicle without retrieving the 595
vehicle and without paying any fee. However, a towing service or 596
storage facility may charge an after-hours retrieval fee 597
established by the public utilities commission in rules adopted 598
under section 4921.25 of the Revised Code if the owner retrieves 599
the personal items after hours, unless the towing service or 600
storage facility fails to provide the notice required under 601
division (B) (3) of section 4513.69 of the Revised Code, if 602
applicable. However, the owner shall not do either of the 603
following: 604

(a) Retrieve any personal item that has been determined by 605
the sheriff, chief, or a state highway patrol trooper, as 606
applicable, to be necessary to a criminal investigation; 607

(b) Retrieve any personal item from a vehicle if it would 608
endanger the safety of the owner, unless the owner agrees to 609

sign a waiver of liability. 610

For purposes of division (C) (2) of this section, "personal 611
items" do not include any items that are attached to the 612
vehicle. 613

(3) If the owner or lienholder of the motor vehicle 614
reclaims it after a search of the applicable records has been 615
conducted and after notice has been sent to the owner ~~or~~ and any 616
lienholder as described in this section, and the search was 617
conducted by the place of storage, and the notice was sent to 618
the motor vehicle owner by the place of storage, the owner or 619
lienholder shall pay to the place of storage a processing fee of 620
twenty-five dollars, in addition to any expenses or charges 621
incurred in the removal and storage of the vehicle. 622

(D) If the owner or lienholder makes no claim to the motor 623
vehicle within ten days of the date of sending the notice, and 624
if the vehicle is to be disposed of at public auction as 625
provided in section 4513.62 of the Revised Code, the sheriff or 626
chief, without charge to any party, shall file with the clerk of 627
courts of the county in which the place of storage is located an 628
affidavit showing compliance with the requirements of this 629
section. Upon presentation of the affidavit, the clerk, without 630
charge, shall issue a salvage certificate of title, free and 631
clear of all liens and encumbrances, to the sheriff or chief. If 632
the vehicle is to be disposed of to a motor vehicle salvage 633
dealer or other facility as provided in section 4513.62 of the 634
Revised Code, the sheriff or chief shall execute in triplicate 635
an affidavit, as prescribed by the registrar of motor vehicles, 636
describing the motor vehicle and the manner in which it was 637
disposed of, and that all requirements of this section have been 638
complied with. The sheriff or chief shall retain the original of 639

the affidavit for the sheriff's or chief's records, and shall 640
furnish two copies to the motor vehicle salvage dealer or other 641
facility. Upon presentation of a copy of the affidavit by the 642
motor vehicle salvage dealer, the clerk of courts, within thirty 643
days of the presentation, shall issue a salvage certificate of 644
title, free and clear of all liens and encumbrances. 645

(E) Whenever a motor vehicle salvage dealer or other 646
facility receives an affidavit for the disposal of a motor 647
vehicle as provided in this section, the dealer or facility 648
shall not be required to obtain an Ohio certificate of title to 649
the motor vehicle in the dealer's or facility's own name if the 650
vehicle is dismantled or destroyed and both copies of the 651
affidavit are delivered to the clerk of courts. 652

(F) No towing service or storage facility shall fail to 653
comply with this section. 654

Sec. 4513.62. An unclaimed motor vehicle ordered into 655
storage pursuant to division (A) (1) of section 4513.60 or 656
section 4513.61 of the Revised Code is subject to one of the 657
following: 658

(A) The sheriff of the county or the chief of a law 659
enforcement agency of the municipal corporation, township, port 660
authority, conservancy district, university campus police 661
department, park district police force, or township or joint 662
police district may dispose of it with a motor vehicle salvage 663
dealer or scrap metal processing facility as defined in section 664
4737.05 of the Revised Code, or with any other facility owned by 665
or under contract with the county, municipal corporation, port 666
authority, conservancy district, university campus, park 667
district, or township, for the disposal of such motor vehicles. 668

(B) The sheriff, chief, or a licensed auctioneer may sell 669
the motor vehicle at public auction, after giving notice thereof 670
by advertisement, published once a week for two successive weeks 671
in a newspaper of general circulation in the county or as 672
provided in section 7.16 of the Revised Code. 673

(C) A towing service or storage facility may obtain title 674
to the motor vehicle in accordance with section 4505.104 of the 675
Revised Code. 676

Any moneys accrued pursuant to division (A) or (B) of this 677
section that are in excess of the expenses resulting from the 678
removal and storage of the vehicle shall be credited to the 679
general fund of the county, municipal corporation, port 680
authority, township, conservancy district, university campus, 681
park district, or joint police district, as the case may be. 682

Sec. 4513.63. "Abandoned junk motor vehicle" means any 683
motor vehicle meeting all of the following requirements: 684

(A) Left on private property for forty-eight hours or 685
longer without the permission of the person having the right to 686
the possession of the property, on a public street or other 687
property open to the public for purposes of vehicular travel or 688
parking, or upon or within the right-of-way of any road or 689
highway, for forty-eight hours or longer; 690

(B) Three years old, or older; 691

(C) Extensively damaged, such damage including but not 692
limited to any of the following: missing wheels, tires, motor, 693
or transmission; 694

(D) Apparently inoperable; 695

(E) Having a fair market value of one thousand five 696

hundred dollars or less. 697

The sheriff of a county or chief of a law enforcement 698
agency of a municipal corporation, township, port authority, 699
conservancy district, university campus police department, park 700
district police force, or township or joint police district, 701
within the sheriff's or chief's respective territorial 702
jurisdiction, or a state highway patrol trooper, upon 703
notification to the sheriff or chief of such action, shall order 704
any abandoned junk motor vehicle to be photographed by a law 705
enforcement officer. The officer shall record the make of motor 706
vehicle, the serial number when available, and shall also detail 707
the damage or missing equipment to substantiate the value of one 708
thousand five hundred dollars or less. The sheriff or chief 709
shall thereupon immediately dispose of the abandoned junk motor 710
vehicle to a motor vehicle salvage dealer as defined in section 711
4738.01 of the Revised Code or a scrap metal processing facility 712
as defined in section 4737.05 of the Revised Code which is under 713
contract to the county, township, port authority, conservancy 714
district, university campus, park district, or municipal 715
corporation, or to any other facility owned by or under contract 716
with the county, township, port authority, conservancy district, 717
university campus, park district, or municipal corporation for 718
the destruction of such motor vehicles. The records and 719
photograph relating to the abandoned junk motor vehicle shall be 720
retained by the law enforcement agency ordering the disposition 721
of such vehicle for a period of at least two years. The law 722
enforcement agency shall execute in quadruplicate an affidavit, 723
as prescribed by the registrar of motor vehicles, describing the 724
motor vehicle and the manner in which it was disposed of, and 725
that all requirements of this section have been complied with, 726
and, within thirty days of disposing of the vehicle, shall sign 727

and file the affidavit with the clerk of courts of the county in 728
which the motor vehicle was abandoned. The clerk of courts shall 729
retain the original of the affidavit for the clerk's files, 730
shall furnish one copy thereof to the registrar, one copy to the 731
motor vehicle salvage dealer or other facility handling the 732
disposal of the vehicle, and one copy to the law enforcement 733
agency ordering the disposal, who shall file such copy with the 734
records and photograph relating to the disposal. Any moneys 735
arising from the disposal of an abandoned junk motor vehicle 736
shall be deposited in the general fund of the county, township, 737
port authority, conservancy district, university campus, park 738
district, or the municipal corporation, as the case may be. 739

Notwithstanding section 4513.61 of the Revised Code, any 740
motor vehicle meeting the requirements of divisions (C), (D), 741
and (E) of this section which has remained unclaimed by the 742
owner or lienholder for a period of ten days or longer following 743
notification as provided in section 4513.61 of the Revised Code 744
may be disposed of as provided in this section. 745

Sec. 4513.64. (A) No person shall willfully leave an 746
abandoned junk motor vehicle as defined in section 4513.63 of 747
the Revised Code on private property for more than seventy-two 748
hours without the permission of the person having the right to 749
the possession of the property, or on a public street or other 750
property open to the public for purposes of vehicular travel or 751
parking, or upon or within the right-of-way of any road or 752
highway, for forty-eight hours or longer without notification to 753
the sheriff of the county or chief of a law enforcement agency 754
of the municipal corporation, township, port authority, 755
conservancy district, university campus police department, park 756
district police force, or township or joint police district of 757
the reasons for leaving the motor vehicle in such place. 758

For purposes of this section, the fact that a motor 759
vehicle has been so left without permission or notification is 760
prima-facie evidence of abandonment. 761

Nothing contained in sections 4513.60, 4513.61, and 762
4513.63 of the Revised Code shall invalidate the provisions of 763
municipal ordinances or township resolutions regulating or 764
prohibiting the abandonment of motor vehicles on streets, 765
highways, public property, or private property within municipal 766
corporations or townships. 767

(B) Whoever violates this section is guilty of a minor 768
misdemeanor and shall also be assessed any costs incurred by the 769
county, township, joint police district, port authority, 770
conservancy district, university campus, park district, or 771
municipal corporation in disposing of the abandoned junk motor 772
vehicle that is the basis of the violation, less any money 773
accruing to the county, township, joint police district, port 774
authority, conservancy district, university campus, park 775
district, or municipal corporation from this disposal of the 776
vehicle. 777

Sec. 4513.66. (A) If a motor vehicle accident occurs on 778
any highway, public street, or other property open to the public 779
for purposes of vehicular travel and if any motor vehicle, 780
cargo, or personal property that has been damaged or spilled as 781
a result of the motor vehicle accident is blocking the highway, 782
street, or other property or is otherwise endangering public 783
safety, a public safety official may do either of the following 784
without the consent of the owner but with the approval of the 785
law enforcement agency conducting any investigation of the 786
accident: 787

(1) Remove, or order the removal of, the motor vehicle if 788

the motor vehicle is unoccupied, cargo, or personal property 789
from the portion of the highway, public street, or property 790
ordinarily used for vehicular travel on the highway, public 791
street, or other property open to the public for purposes of 792
vehicular travel. 793

(2) If the motor vehicle is a commercial motor vehicle, 794
allow the owner or operator of the vehicle the opportunity to 795
arrange for the removal of the motor vehicle within a period of 796
time specified by the public safety official. If the public 797
safety official determines that the motor vehicle cannot be 798
removed within the specified period of time, the public safety 799
official shall remove or order the removal of the motor vehicle. 800

(B) (1) Except as provided in division (B) (2) of this 801
section, the department of transportation, any employee of the 802
department of transportation, or a public safety official who 803
authorizes or participates in the removal of any unoccupied 804
motor vehicle, cargo, or personal property as authorized by 805
division (A) of this section, regardless of whether the removal 806
is executed by a private towing service, is not liable for civil 807
damages for any injury, death, or loss to person or property 808
that results from the removal of that unoccupied motor vehicle, 809
cargo, or personal property. Further, except as provided in 810
division (B) (2) of this section, if a public safety official 811
authorizes, employs, or arranges to have a private towing 812
service remove any unoccupied motor vehicle, cargo, or personal 813
property as authorized by division (A) of this section, that 814
private towing service is not liable for civil damages for any 815
injury, death, or loss to person or property that results from 816
the removal of that unoccupied motor vehicle, cargo, or personal 817
property. 818

(2) Division (B)(1) of this section does not apply to any 819
of the following: 820

(a) Any person or entity involved in the removal of an 821
unoccupied motor vehicle, cargo, or personal property pursuant 822
to division (A) of this section if that removal causes or 823
contributes to the release of a hazardous material or to 824
structural damage to the roadway; 825

(b) A private towing service that was not authorized, 826
employed, or arranged by a public safety official to remove an 827
unoccupied motor vehicle, cargo, or personal property under this 828
section; 829

(c) Except as provided in division (B)(2)(d) of this 830
section, a private towing service that was authorized, employed, 831
or arranged by a public safety official to perform the removal 832
of the unoccupied motor vehicle, cargo, or personal property but 833
the private towing service performed the removal in a negligent 834
manner; 835

(d) A private towing service that was authorized, 836
employed, or arranged by a public safety official to perform the 837
removal of the unoccupied motor vehicle, cargo, or personal 838
property that was endangering public safety but the private 839
towing service performed the removal in a reckless manner. 840

(C) As used in this section: 841

(1) "Public safety official" means any of the following: 842

(a) The sheriff of the county, or the chief of a law 843
enforcement agency in the municipal corporation, township, port 844
authority, conservancy district, university campus police 845
department, park district police force, or township or joint 846
police district, in which the accident occurred; 847

| | |
|--|-------------------|
| (b) A state highway patrol trooper; | 848 |
| (c) The chief of the fire department having jurisdiction where the accident occurred; | 849 850 |
| (d) A duly authorized subordinate acting on behalf of an official specified in divisions (C) (1) (a) to (c) of this section. | 851 852 853 |
| (2) "Hazardous material" has the same meaning as in section 2305.232 of the Revised Code. | 854 855 |
| <u>Sec. 5301.234. (A) A mortgage encumbering real property</u> | 856 |
| <u>granted to secure the repayment of funds used to satisfy a</u> | 857 |
| <u>mortgage or lien on such real property shall be subrogated to</u> | 858 |
| <u>the priority of the mortgage or lien that was satisfied to the</u> | 859 |
| <u>extent of the amount satisfied if both of the following apply:</u> | 860 |
| <u>(1) The intent of the parties to the new mortgage is that</u> | 861 |
| <u>the new mortgage would have the priority of the mortgage or lien</u> | 862 |
| <u>satisfied.</u> | 863 |
| <u>(2) The expectation of the holder of a subordinate</u> | 864 |
| <u>mortgage or lien at the time that it received its interest was</u> | 865 |
| <u>that it would be junior to the mortgage or lien that was</u> | 866 |
| <u>satisfied.</u> | 867 |
| <u>(B) A mortgagee seeking to be subrogated pursuant to</u> | 868 |
| <u>division (A) of this section to the priority of a lien that the</u> | 869 |
| <u>mortgagee has satisfied shall not be denied subrogation for any</u> | 870 |
| <u>of the following reasons:</u> | 871 |
| <u>(1) The mortgagee meets any of the following criteria:</u> | 872 |
| <u>(a) The mortgagee is engaged in the business of lending.</u> | 873 |
| <u>(b) The mortgagee had actual knowledge or constructive</u> | 874 |

notice of the mortgage or lien over which the mortgagee would 875
gain priority through subrogation. 876

(c) The mortgagee or a third party committed a mistake or 877
was negligent. 878

(2) The lien for which the mortgagee seeks to be 879
subrogated was released. 880

(3) The mortgagee obtained a title insurance policy. 881

(C) Notwithstanding division (A) of this section, the 882
holder of a subordinate mortgage or lien shall retain the same 883
subordinate position that such person would have had if the 884
prior mortgage or lien had not been satisfied. 885

Sec. 5323.02. (A) An owner of residential rental property 886
shall file with the county auditor of the county in which the 887
property is located the following information: 888

(1) The name, address, and telephone number of the owner; 889

(2) If the residential rental property is owned by a 890
trust, business trust, estate, partnership, limited partnership, 891
limited liability company, association, corporation, or any 892
other business entity, the name, address, and telephone number 893
of the following: 894

(a) A trustee, in the case of a trust or business trust; 895

(b) The executor or administrator, in the case of an 896
estate; 897

(c) A general partner, in the case of a partnership or a 898
limited partnership; 899

(d) A member, manager, or officer, in the case of a 900
limited liability company; 901

| | |
|---|--|
| (e) An associate, in the case of an association; | 902 |
| (f) An officer, in the case of a corporation; | 903 |
| (g) A member, manager, or officer, in the case of any other business entity. | 904 905 |
| (3) The street address and permanent parcel number of the residential rental property. | 906 907 |
| (B) The information required under division (A) of this section shall be filed and maintained on the tax list or the real property record. | 908 909 910 |
| (C) An owner of residential rental property shall update the information required under division (A) of this section within sixty days after any change in the information occurs. | 911 912 913 |
| (D) The county auditor shall provide an owner of residential rental property located in a county that has a population of more than two hundred thousand according to the most recent decennial census with notice pursuant to division (B) of section 323.131 of the Revised Code of the requirement to file the information required under division (A) of this section and the requirement to update that information under division (C) of this section. | 914 915 916 917 918 919 920 921 |
| (E) The owner of residential real property shall comply with the requirements under divisions (A) and (C) of this section within sixty days after receiving the notice provided under division (D) of this section, division (D) of section 319.202, or division (B) of section 323.131 of the Revised Code. | 922 923 924 925 926 |
| <u>(F) Any agent designated by the owner to manage the property on the owner's behalf may file or update any information, or do anything otherwise required by this section,</u> | 927 928 929 |

on the owner's behalf. 930

Section 2. That existing sections 317.13, 317.32, 317.36, 931
1113.13, 1337.04, 2329.02, 4513.61, 4513.62, 4513.63, 4513.64, 932
4513.66, and 5323.02 of the Revised Code are hereby repealed. 933

Section 3. That Section 413.10 of H.B. 33 of the 135th 934
General Assembly be amended to read as follows: 935

Sec. 413.10. 936

937

| | 1 | 2 | 3 | 4 | 5 |
|---|------------|----------------------|--|--------------|---|
| A | | | TOS TREASURER OF STATE | | |
| B | | | General Revenue Fund | | |
| C | GRF | 090321 | Operating Expenses | \$6,478,000 | \$5,432,000 |
| D | GRF | 090406 | Treasury Management System Lease Rental Payments | \$1,120,000 | \$1,120,000 |
| E | <u>GRF</u> | <u>090409</u> | <u>County Recorder Electronic</u> <u>Record Modernization</u> <u>Program</u> | <u>\$0</u> | <u>\$6,500,000</u> |
| F | TOTAL GRF | General Revenue Fund | | \$7,598,000 | \$6,552,000 <u>\$13,052,000</u> |
| G | | | Dedicated Purpose Fund Group | | |
| H | 4E90 | 090603 | Securities Lending Income | \$10,022,465 | \$11,068,905 |

| | | | | | |
|---|--|---------------|---|--------------|--|
| I | 4X90 | 090614 | Political Subdivision Obligation | \$35,000 | \$35,000 |
| J | 5770 | 090605 | Investment Pool Reimbursement | \$1,700,000 | \$1,700,000 |
| K | 5C50 | 090602 | County Treasurer Education | \$250,000 | \$250,000 |
| L | <u>5BD1</u> | <u>090576</u> | <u>County Recorder Electronic Record Supplement</u> | <u>\$0</u> | <u>\$1,500,000</u> |
| M | 6050 | 090609 | Treasurer of State Administrative Fund | \$1,800,000 | \$1,800,000 |
| N | TOTAL DPF Dedicated Purpose Fund Group | | | \$13,807,465 | \$14,853,905 <u>\$16,353,905</u> |
| O | Fiduciary Fund Group | | | | |
| P | 4250 | 090635 | Tax Refunds | \$12,000,000 | \$12,000,000 |
| Q | TOTAL FID Fiduciary Fund Group | | | \$12,000,000 | \$12,000,000 |
| R | TOTAL ALL BUDGET FUND GROUPS | | | \$33,405,465 | \$33,405,905 <u>\$41,405,905</u> |

Section 4. That existing Section 413.10 of H.B. 33 of the 135th General Assembly is hereby repealed. 938
939

Section 5. COUNTY RECORDER ELECTRONIC RECORD MODERNIZATION FUND 940
941

The County Recorder Electronic Modernization Fund (Fund 942
5BD1) is created in the state treasury. Money in the fund shall 943

be used to distribute funds to reimburse counties under the 944
County Recorder Electronic Record Modernization Program. 945

On July 1, 2023, or as soon as possible thereafter, the 946
Treasurer of State shall transfer \$1,500,000 cash from the 947
Assurance Fund in the custody of the Treasurer of State, to the 948
County Recorder Electronic Modernization Fund (Fund 5BD1). 949

Section 6. If a county utilizes funds received under 950
Section 5 of this act to implement the requirements set forth in 951
divisions (E) and (F) of section 317.13 of the Revised Code as 952
amended by this act, it shall be within the county recorder's 953
discretion whether to hire new staff or enter into a contract 954
with a private entity in order to implement those requirements. 955