

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 181**

**Representatives Hillyer, Williams**

**Cosponsors: Representatives Seitz, Kick**



**A BILL**

To amend sections 317.13, 317.32, 317.321, 317.36, 1  
1113.13, 1337.04, 2329.02, 4513.61, 4513.62, 2  
4513.63, 4513.64, 4513.66, 4749.01, and 5323.02 3  
and to enact section 5301.234 of the Revised 4  
Code to make various changes regarding recorded 5  
instruments, powers of attorney, judgment liens, 6  
mortgage subrogation, law enforcement towing 7  
laws, and state stock banks, and to make an 8  
appropriation. 9

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

**Section 1.** That sections 317.13, 317.32, 317.321, 317.36, 10  
1113.13, 1337.04, 2329.02, 4513.61, 4513.62, 4513.63, 4513.64, 11  
4513.66, 4749.01, and 5323.02 be amended and section 5301.234 of 12  
the Revised Code be enacted to read as follows: 13

**Sec. 317.13.** (A) Except as otherwise provided in division 14  
(B) of this section, the county recorder shall record in the 15  
official records, in legible handwriting, typewriting, or 16  
printing, or by any authorized photographic or electronic 17  
process, all deeds, mortgages, plats, or other instruments of 18

writing that are required or authorized by the Revised Code to be recorded and that are presented to the county recorder for that purpose. The county recorder shall record the instruments in regular succession, according to the priority of presentation, and shall enter the file number at the beginning of the record. On the record of each instrument, the county recorder shall record the date and precise time the instrument was presented for record. All records made, prior to July 28, 1949, by means authorized by this section or by section 9.01 of the Revised Code shall be deemed properly made.

(B) The county recorder may refuse to record an instrument of writing presented for recording if the instrument is not required or authorized by the Revised Code to be recorded or the county recorder has reasonable cause to believe the instrument is materially false or fraudulent. This division does not create a duty upon a recorder to inspect, evaluate, or investigate an instrument of writing that is presented for recording.

(C) If a person presents an instrument of writing to the county recorder for recording and the county recorder, pursuant to division (B) of this section, refuses to record the instrument, the person has a cause of action for an order from the court of common pleas in the county that the county recorder serves, to require the county recorder to record the instrument. If the court determines that the instrument is required or authorized by the Revised Code to be recorded and is not materially false or fraudulent, it shall order the county recorder to record the instrument.

(D) The county recorder shall keep confidential information that is subject to a real property confidentiality notice under section 111.431 of the Revised Code, in accordance

with that section. A copy of the real property confidentiality 49  
notice shall accompany subsequent recordings of the property, 50  
unless the program participant's certification has been canceled 51  
under section 111.431 or 111.45 of the Revised Code. 52

(E) (1) Not later than January 1, 2025, each county 53  
recorder, county auditor, and county engineer shall make 54  
available to the public a method for electronically recording 55  
instruments related to conveyances of real property that adheres 56  
to the standards governing conveyances of real property adopted 57  
by a county in accordance with section 319.203 of the Revised 58  
Code. 59

(2) Not later than January 1, 2025, a county recorder 60  
shall make available to the public a method for electronically 61  
recording instruments, other than those related to conveyances 62  
of real property, specified in division (A) or (D) of section 63  
317.08 of the Revised Code, except division (A)(24) of that 64  
section. 65

(3) Divisions (E) (1) and (2) of this section do not apply 66  
to instruments specifically exempt from recording under either 67  
of the following: 68

(a) The standards governing conveyances of real property 69  
adopted by a county in accordance with section 319.203 of the 70  
Revised Code; or 71

(b) The minimum standards for boundary surveys promulgated 72  
by the board of registration for professional engineers and 73  
surveyors pursuant to Chapter 4733. of the Revised Code. 74

(F) Not later than January 1, 2025, a county recorder 75  
shall make available to the public on the county recorder's web 76  
site electronic indexes for, and electronic versions of, all 77

instruments recorded on or after January 1, 1980, except veteran 78  
discharge papers recorded under section 317.24 of the Revised 79  
Code or any instrument or portion thereof prohibited from being 80  
disclosed under federal or state law. A county recorder may 81  
require a username and password to access the electronic indexes 82  
and instruments, but may not require a fee to create a username 83  
and password or to otherwise access the electronic indexes and 84  
instruments. 85

**Sec. 317.32.** The county recorder shall charge and collect 86  
the following fees and surcharges, to include, except as 87  
otherwise provided in division (A) (2) of this section, base fees 88  
for the recorder's services, a document preservation surcharge, 89  
and housing trust fund fees collected pursuant to section 317.36 90  
of the Revised Code: 91

(A) (1) Except as otherwise provided in division (A) (2) of 92  
this section, for recording and indexing an instrument if the 93  
photocopy or any similar process is employed, ~~a~~: 94

(a) A base fee of seventeen dollars for the first two 95  
pages and a housing trust fund fee of seventeen dollars, and a 96  
base fee of four dollars and a housing trust fund fee of four 97  
dollars for each subsequent page, size eight and one-half inches 98  
by fourteen inches, or fraction of a page, including the caption 99  
page, of such instrument; and 100

(b) A document preservation surcharge of ten dollars. Of 101  
the ten dollars, five dollars shall be deposited in the county 102  
treasury to the credit of the county general fund and five 103  
dollars shall be deposited in the county treasury as housing 104  
trust fund fees to be paid to the treasurer of state pursuant to 105  
section 319.63 of the Revised Code. 106

(2) For recording and indexing an instrument described in 107  
division (D) of section 317.08 of the Revised Code if the 108  
photocopy or any similar process is employed, a fee of ~~twenty-~~ 109  
~~eight-thirty-four~~ dollars for the first two pages to be 110  
deposited as specified elsewhere in this division, and a fee of 111  
eight dollars to be deposited in the same manner for each 112  
subsequent page, size eight and one-half inches by fourteen 113  
inches, or fraction of a page, including the caption page, of 114  
that instrument. If the county recorder's technology fund has 115  
been established under section 317.321 of the Revised Code, of 116  
the ~~twenty-eight-thirty-four~~ dollars, ~~fourteen-seventeen~~ dollars 117  
shall be deposited into the county treasury to the credit of the 118  
county recorder's technology fund and ~~fourteen-seventeen~~ dollars 119  
shall be deposited into the county treasury to the credit of the 120  
county general fund. If the county recorder's technology fund 121  
has not been established, the ~~twenty-eight-thirty-four~~ dollars 122  
shall be deposited into the county treasury to the credit of the 123  
county general fund. 124

(3) The document preservation surcharge is intended to 125  
support the preservation and digitization of documents and 126  
ongoing costs incurred by a county recorder's office to make 127  
available to the public a web site with appropriate security 128  
features, electronic document hosting, online viewing, and print 129  
and download features that enable an individual to print or 130  
download a copy of a public record from the web site. 131

(B) For certifying a copy or electronic record from the 132  
record previously recorded, a base fee of one dollar and a 133  
housing trust fund fee of one dollar per page, size eight and 134  
one-half inches by fourteen inches, or fraction of a page; for 135  
each certification if the recorder's seal is required, except as 136  
to instruments issued by the armed forces of the United States, 137

a base fee of fifty cents and a housing trust fund fee of fifty cents;	138 139
(C) For entering or indexing any marginal reference, or any reference previously accomplished as a marginal reference now accomplished through electronic means, by separate recorded instrument, a base fee of two dollars and a housing trust fund fee of two dollars for each marginal reference, or reference previously accomplished as a marginal reference now accomplished through electronic means, set out in that instrument, in addition to the fees set forth in division (A) (1) of this section;	140 141 142 143 144 145 146 147 148
(D) For indexing in the real estate mortgage records, pursuant to section 1309.519 of the Revised Code, financing statements covering crops growing or to be grown, timber to be cut, minerals or the like, including oil and gas, accounts subject to section 1309.301 of the Revised Code, or fixture filings made pursuant to section 1309.334 of the Revised Code, a base fee of two dollars and a housing trust fund fee of two dollars for each name indexed;	149 150 151 152 153 154 155 156
(E) For filing zoning resolutions, including text and maps, in the office of the recorder as required under sections 303.11 and 519.11 of the Revised Code, a base fee of twenty-five dollars and a housing trust fund fee of twenty-five dollars, regardless of the size or length of the resolutions;	157 158 159 160 161
(F) For filing zoning amendments, including text and maps, in the office of the recorder as required under sections 303.12 and 519.12 of the Revised Code, a base fee of ten dollars and a housing trust fund fee of ten dollars regardless of the size or length of the amendments;	162 163 164 165 166

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

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

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

In any county in which the recorder employs the photostatic or any similar process for recording maps, plats, or prints the recorder shall determine, charge, and collect for the recording or rerecording of any map, plat, or print, a base fee of five cents and a housing trust fund fee of five cents per square inch, for each square inch of the map, plat, or print filed for that recording or rerecording, with a minimum base fee of twenty dollars and a minimum housing trust fund fee of twenty dollars; for certifying a copy from the record, a base fee of two cents and a housing trust fund fee of two cents per square

inch of the record, with a minimum base fee of two dollars and a 197  
minimum housing trust fund fee of two dollars. 198

The fees provided in this section shall be paid upon the 199  
presentation of the instruments for record or upon the 200  
application for any certified copy of the record, except that 201  
the payment of fees for providing copies of instruments 202  
conveying or extinguishing agricultural easements to the office 203  
of farmland preservation in the department of agriculture under 204  
division (H) of section 5301.691 of the Revised Code shall be 205  
governed by that division, and payment of fees for electronic 206  
recording may be made by electronic funds transfer, automated 207  
clearing house, or other electronic means after presentation. 208

The fees provided for in this section shall not apply to 209  
the recording, indexing, or making of a certified copy or to the 210  
filing of any instrument by a county land reutilization 211  
corporation. 212

The fees provided for in this section shall not apply to 213  
the recording, indexing, or making of a certified copy or to the 214  
filing of any instrument by a county land reutilization 215  
corporation's wholly owned subsidiary or any other electing 216  
subdivision as defined in section 5722.01 of the Revised Code if 217  
the wholly owned subsidiary or the electing subdivision is 218  
acting in capacity consistent with the purpose of the land 219  
reutilization program. 220

**Sec. 317.321.** (A) Not later than the first day of October 221  
of any year, the county recorder may submit to the board of 222  
county commissioners a proposal for funding any of the 223  
following: 224

(1) The acquisition and maintenance of imaging and other 225



technological equipment and contract services therefor;	226
(2) To reserve funds for the office's future technology needs if the county recorder has no immediate plans for the acquisition of imaging and other technological equipment or contract services, or to use the county recorder's technology fund as a dedicated revenue source to repay debt to purchase any imaging and other technological equipment before the accumulation of adequate resources to purchase the equipment with cash.	227 228 229 230 231 232 233 234
(3) Subject to division (G) of this section, for other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services.	235 236 237
(B) The proposal shall be in writing and shall include at least the following:	238 239
(1) A request that an amount not to exceed eight dollars of the total base fees collected for filing or recording a document for which a fee is charged as required by division (A) (1) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code be placed in the county treasury to the credit of the county recorder's technology fund;	240 241 242 243 244 245
(2) Except as provided in division (E) (3) of this section, the number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A) (1) of this section be given the designation specified in that division;	246 247 248 249 250
(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A) (1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the	251 252 253 254

Revised Code;	255
(4) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code that will be credited to the county recorder's technology fund if the request submitted under division (B)(1) of this section is approved by the board of county commissioners.	256 257 258 259 260 261 262
(C) A proposal for the purposes of division (A)(1) of this section shall include a description or summary of the imaging and other technological equipment that the county recorder proposes to acquire and maintain, and the nature of contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal for the purposes of division (A)(2) of this section shall explain the general future technology needs of the office for imaging and other technological equipment, or for revenue to repay debt, if the proposal is for those purposes. A proposal for the purposes of division (A)(3) of this section shall identify the other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services that the county recorder proposes to pay with moneys in the county recorder's technology fund, if the proposal is for those purposes.	263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278
(D) The board of county commissioners shall receive a proposal and the clerk shall enter it on the journal. At the same time, the board shall establish a date, not sooner than fifteen or later than thirty days after the board receives the proposal, on which to meet with the recorder to review the proposal.	279 280 281 282 283 284

(E) (1) Except as provided in division (E) (3) of this 285  
section, not later than the fifteenth day of December of any 286  
year in which a proposal is submitted under division (A) of this 287  
section, the board of county commissioners shall approve, 288  
reject, or modify the proposal and notify the county recorder of 289  
its action on the proposal. If the board rejects or modifies the 290  
proposal, it shall make a written finding that the request is 291  
for a purpose other than for a purpose in division (A) of this 292  
section, or that the amount requested is excessive as determined 293  
by the board. 294

(2) A proposal submitted under division (A) of this 295  
section that was approved by the board of county commissioners 296  
before, and is in effect on ~~the effective date of this amendment~~ 297  
the effective date of this amendment, shall continue in effect 298  
until January 1, ~~2025~~2030, notwithstanding the number of years 299  
of funding specified in the approved proposal. 300

(3) A proposal submitted under division (A) of this 301  
section between October 1, 2019, and October 1, ~~2023~~2028, may 302  
request that an amount that does not exceed three dollars be 303  
credited to the county recorder's technology fund, in addition 304  
to the amount previously approved by the board of county 305  
commissioners in a proposal described in division (E) (2) of this 306  
section. The proposal may be submitted each year during that 307  
time period, but shall be limited to funding in the following 308  
fiscal year. If the total of the amount under division (E) (2) of 309  
this section and the amount requested under this division does 310  
not exceed eight dollars, the board shall approve the proposal 311  
and notify the county recorder of its approval. 312

(4) If the total amount of fees provided for in divisions 313  
(B), (E) (2), and (E) (3) of this section is less than eight 314

dollars, a proposal requesting additional fees may be submitted 315  
to the board of county commissioners under division (E) (1) of 316  
this section, as long as the total amount of the fees in 317  
divisions (B) and (E) (2), (3), and (4) of this section that are 318  
to be credited to the county recorder's technology fund does not 319  
exceed eight dollars, and the proposal is for a number of years, 320  
not to exceed five. 321

(5) When a proposal is approved by the board of county 322  
commissioners under division (E) of this section, the county 323  
recorder's technology fund is established in the county 324  
treasury, and, beginning on the following first day of January, 325  
the fees approved shall be deposited in that fund. 326

(F) The acquisition and maintenance of imaging and other 327  
technological equipment, and other associated expenses and 328  
contract services therefor, shall be specifically governed by 329  
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 330  
and 5705.38, and by division (D) of section 5705.41 of the 331  
Revised Code. 332

(G) If the use of the county recorder's technology fund 333  
for the purposes of division (A) (3) of this section includes 334  
associated expenses for personnel, the use of the fund for 335  
personnel shall be strictly confined to personnel directly 336  
related to imaging and other technological equipment, and any 337  
compensation increases for those personnel shall not exceed the 338  
average of the annual aggregate percentage increase or decrease 339  
in the compensation fixed by the board of county commissioners 340  
for their employees, and for the officers in section 325.27 of 341  
the Revised Code. Use of the fund for compensation bonuses, or 342  
for recognizing outstanding employee performance in a manner 343  
described in section 325.25 of the Revised Code, is prohibited. 344

(H) If a county is under a fiscal caution under section 118.025 of the Revised Code, or is under a fiscal watch or fiscal emergency as defined in section 118.01 of the Revised Code, the board of county commissioners, notwithstanding sections 5705.14 to 5705.16 of the Revised Code, may transfer from the county recorder's technology fund any moneys the board deems necessary.

**Sec. 317.36.** ~~(A)~~ (1) The county recorder shall collect the low- and moderate-income housing trust fund fee as specified in sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 6101.09, and 6115.09 of the Revised Code. The amount of any housing trust fund fee the recorder is authorized to collect is equal to either of the following, as applicable:

(a) The amount of any base fee the recorder is authorized to collect for services;

(b) The portion of a document preservation surcharge the recorder is required to deposit into the county treasury to the credit of the general fund. The

(2) The housing trust fund fee shall be collected in addition to the base fee or retained portion of the document preservation surcharge.

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

**Sec. 1113.13.** (A) After subscriptions to shares have been received by the incorporators, the board of directors of a stock

state bank may, subject to the requirements of this section, 374  
adopt amendments to the bank's articles of incorporation to do 375  
any of the following: 376

(1) Authorize the shares necessary to meet conversion or 377  
option rights when all of the following apply: 378

(a) The bank has issued shares of one class convertible 379  
into shares of another class or obligations convertible into 380  
shares of the bank, or has granted options to purchase shares. 381

(b) The conversion or option rights are set forth in the 382  
articles of incorporation or have been approved by the same vote 383  
of shareholders as, at the time of the approval, would have been 384  
required to amend the articles of incorporation to authorize the 385  
shares required for that purpose. 386

(c) The bank does not have sufficient authorized and 387  
unissued shares available to satisfy the conversion or option 388  
rights. 389

(2) Reduce the authorized number of shares of a class by 390  
the number of shares of that class that have been redeemed, or 391  
have been surrendered to or acquired by the bank upon 392  
conversion, exchange, purchase, or otherwise, or to eliminate 393  
from the articles of incorporation all references to the shares 394  
of a class, and to make any other change required, when all of 395  
the authorized shares of that class have been redeemed, or 396  
surrendered to or acquired by the bank; 397

(3) Reduce the authorized number of shares of a class by 398  
the number of shares of that class that were canceled for not 399  
being issued or reissued and for not being fully paid in within 400  
one year after the date they were authorized or otherwise became 401  
authorized and unissued shares; 402

<u>(4) For any purpose authorized by section 1701.70 of the</u>	403
<u>Revised Code.</u>	404
(B) The board of directors of a stock state bank may adopt	405
amended articles of incorporation to consolidate the original	406
articles of incorporation and all previously adopted amendments	407
to the articles of incorporation that are in force at the time.	408
(C) Amended articles of incorporation shall set forth all	409
provisions required in, and only provisions that may properly be	410
in, original articles of incorporation or amendments to articles	411
of incorporation at the time the amended articles of	412
incorporation are adopted, and shall state that they supersede	413
the existing articles of incorporation.	414
(D) (1) If the board of directors propose the adoption of	415
any amendment to a stock state bank's articles of incorporation	416
or amended articles of incorporation, the bank shall send to the	417
superintendent of financial institutions a copy of the proposed	418
amendment or amended articles of incorporation for review and	419
approval prior to adoption by the board.	420
(2) Upon receiving a proposed amendment or amended	421
articles of incorporation, the superintendent shall conduct	422
whatever examination the superintendent considers necessary to	423
determine if both of the following conditions are satisfied:	424
(a) The proposed amendment or amended articles of	425
incorporation comply with the requirements of the Revised Code.	426
(b) The proposed amendment or amended articles of	427
incorporation will not adversely affect the interests of the	428
bank's depositors and creditors.	429
(3) Within forty-five days after receiving the proposed	430
amendment or amended articles of incorporation, the	431

superintendent shall notify the bank of the superintendent's 432  
approval or disapproval unless the superintendent determines 433  
additional information is required. In that event, the 434  
superintendent shall request the information in writing within 435  
twenty days after the date the proposed amendment or amended 436  
articles of incorporation were received. The bank shall have 437  
thirty days to submit the information to the superintendent. The 438  
superintendent shall notify the bank of the superintendent's 439  
approval or disapproval of the proposed amendment or amended 440  
articles of incorporation within forty-five days after the date 441  
the additional information is received. If the proposed 442  
amendment or amended articles of incorporation are disapproved 443  
by the superintendent, the superintendent shall notify the bank 444  
of the reasons for the disapproval. 445

(4) If the superintendent fails to approve or disapprove 446  
the proposed amendment or amended articles of incorporation 447  
within the time period required by division (D)(3) of this 448  
section, the proposed amendment or amended articles of 449  
incorporation shall be considered approved. 450

(5) If the proposed amendment or amended articles of 451  
incorporation are approved, in no event shall that approval be 452  
construed or represented as an affirmative endorsement of the 453  
amendment or amended articles of incorporation by the 454  
superintendent. 455

(E) (1) Upon adoption by the board of directors of any 456  
approved amendment to a stock state bank's articles of 457  
incorporation, the bank shall send to the superintendent a 458  
certificate containing a copy of the directors' resolution 459  
adopting the amendment and a statement of the manner of and 460  
basis for its adoption. The certificate shall be signed by the 461



bank's authorized representatives in accordance with section 462  
1103.19 of the Revised Code. 463

(2) Upon adoption by the board of directors of approved 464  
amended articles of incorporation, the bank shall send to the 465  
superintendent a copy of the amended articles of incorporation, 466  
accompanied by a certificate containing a copy of the directors' 467  
resolution adopting the amended articles of incorporation and a 468  
statement of the manner of and basis for its adoption. The 469  
certificate shall be signed by the bank's authorized 470  
representatives in accordance with section 1103.19 of the 471  
Revised Code. 472

(F) Upon receiving a certificate required by division (E) 473  
of this section, the superintendent shall conduct whatever 474  
examination the superintendent considers necessary to determine 475  
if the manner of and basis for adoption of the amendment or 476  
amended articles of incorporation comply with the requirements 477  
of the Revised Code. 478

(G) (1) Within thirty days after receiving a certificate 479  
required by division (E) of this section, the superintendent 480  
shall approve or disapprove the amendment or amended articles of 481  
incorporation. If the superintendent approves the amendment or 482  
amended articles of incorporation, the superintendent shall 483  
forward a certificate of that approval, a copy of the 484  
certificate required by division (E) of this section, and a copy 485  
of the amendment or amended articles of incorporation to the 486  
secretary of state, who shall file the documents. Upon filing by 487  
the secretary of state, the amendment or amended articles of 488  
incorporation shall be effective. 489

(2) If the superintendent fails to approve or disapprove 490  
the amendment or amended articles of incorporation within thirty 491

days after receiving a certificate required by division (E) of 492  
this section, the bank shall forward a copy of the certificate 493  
and a copy of the amendment or amended articles of incorporation 494  
to the secretary of state, who shall file the documents. Upon 495  
filing by the secretary of state, the amendment or amended 496  
articles of incorporation shall be effective. 497

**Sec. 1337.04.** ~~A power of attorney for the conveyance, (A)~~ 498  
As used in this section, "real property interest" means a deed, 499  
mortgage, land installment contract, or lease of an interest in 500  
real property must. 501

(B) A power of attorney used for the execution of a real 502  
property instrument shall be properly executed and acknowledged 503  
by the principal before the execution and acknowledgement of 504  
such real property instrument executed by virtue of such power 505  
of attorney. 506

For purposes of this section, if the execution and 507  
acknowledgement of the power of attorney is dated the same date 508  
as the execution and acknowledgment of the real property 509  
instrument, the power of attorney shall be presumed to have been 510  
executed and acknowledged before the execution and 511  
acknowledgment of the real property instrument. 512

(C) A power of attorney used for the execution of a real 513  
property instrument shall be recorded in the office of the 514  
county recorder of the county in which such property is 515  
situated, ~~previous to~~ before the recording of a ~~deed, mortgage,~~ 516  
~~or lease~~ the real property instrument executed by virtue of such 517  
power of attorney. 518

For purposes of this section, a power of attorney that is 519  
known to have been recorded the same day, but after, the 520

recording of the real property instrument shall be considered to 521  
have been recorded before the real property instrument. 522

If a power of attorney is not recorded before, or is not 523  
known to have been recorded on the same day as, the recording of 524  
the real property instrument executed by virtue of such power of 525  
attorney, the power of attorney may be subsequently placed of 526  
record as an attachment to a supporting affidavit made by any 527  
person having knowledge of the facts or competent to testify 528  
concerning them in open court, so long as the power of attorney 529  
was executed and acknowledged not later than the day of the 530  
execution of the real property instrument. The supporting 531  
affidavit shall include all of the following: 532

(1) The name of the person appearing by record to be the 533  
owner of the property described in the real property instrument 534  
executed by virtue of the power of attorney at the time of the 535  
recording of the affidavit; 536

(2) The permanent parcel number of the property; 537

(3) The legal description of the property subject to the 538  
real property instrument executed by virtue of the power of 539  
attorney; 540

(4) The official record reference of the real property 541  
instrument executed by virtue of the power of attorney; 542

(5) If the power of attorney that the affidavit 543  
accompanies is a photocopy of the power of attorney, rather than 544  
the original, a statement that the photocopy is a true and 545  
accurate copy and a statement regarding why the original is not 546  
being recorded. 547

(D) The county recorder shall record the supporting 548  
affidavit in the official records, indexed by the name of the 549

current record owner. 550

(E) Notwithstanding any contrary provision set forth in 551  
this section, a real property instrument executed by virtue of a 552  
power of attorney that has been of record for a period of ten 553  
years or more shall be presumed valid and of full force and 554  
effect if the power of attorney has not been placed of record. 555

(F) The amendments to this section by this act shall be 556  
given retroactive effect to the fullest extent permitted under 557  
Section 28 of Article II, Ohio Constitution. The amendments to 558  
this section shall not be given retroactive effect if to do so 559  
would affect any accrued substantive right or vested rights in 560  
any person or in any real property instrument. 561

**Sec. 2329.02.** Any judgment or decree rendered by any court 562  
of general jurisdiction, including district courts of the United 563  
States, within this state shall be a lien upon lands and 564  
tenements of each judgment debtor within any county of this 565  
state from the time there is filed in the office of the clerk of 566  
the court of common pleas of such county a certificate of such 567  
judgment, setting forth ~~the~~ all of the following: 568

(A) The court in which the same was rendered, ~~the;~~ 569

(B) The title and number of the action, ~~the;~~ 570

(C) The names of the judgment creditors and judgment 571  
debtors, ~~the;~~ 572

(D) The last known address, without further inquiry or 573  
investigation, that is not a post office box, of each judgment 574  
debtor; 575

(E) The amount of the judgment and costs, ~~the;~~ 576

(F) The rate of interest, if the judgment provides for 577

interest, and the date from which such interest accrues, ~~the;~~ 578

(G) The date of rendition of the judgment, ~~and the;~~ 579

(H) The volume and page, or instrument number, if any, of 580  
the journal entry thereof. 581

No such judgment or decree shall be a lien upon any lands, 582  
whether or not situated within the county in which such judgment 583  
is rendered, registered under sections 5309.02 to 5309.98, ~~—~~ 584  
~~inclusive,~~ and 5310.01 to 5310.21, ~~inclusive,~~ of the Revised 585  
Code, until a certificate under the hand and official seal of 586  
the clerk of the court in which the same is entered or of 587  
record, stating the date and purport of the judgment, giving the 588  
number of the case, the full names of the parties, plaintiff and 589  
defendant, the last known address that is not a post office box 590  
of each defendant, and the volume and page, or instrument 591  
number, of the journal or record in which it is entered, or a 592  
certified copy of such judgment, stating such facts, is filed 593  
and noted in the office of the county recorder of the county in 594  
which the land is situated, and a memorial of the same is 595  
entered upon the register of the last certificate of title to 596  
the land to be affected. 597

Such certificate shall be made by the clerk of the court 598  
in which the judgment was rendered, under the seal of said 599  
court, upon the order of any person in whose favor such judgment 600  
was rendered or upon the order of any person claiming under ~~him—~~ 601  
a person in whose favor such judgment was rendered, and shall be 602  
delivered to the party so ordering the same; and the fee 603  
therefor shall be taxed in the costs of the action. 604

When any such certificate is delivered to the clerk of the 605  
court of common pleas of any county in this state, the same 606

shall be filed by such clerk, and ~~he~~the clerk shall docket and 607  
index it under the names of the judgment creditors and the 608  
judgment debtors in a judgment docket or similar record, which 609  
shall show as to each judgment all of the matters set forth in 610  
such certificate as required by this section. The fee for such 611  
filing, docketing, and indexing shall be taxed as increased 612  
costs of such judgment upon such judgment docket or similar 613  
record and shall be included in the lien of the judgment. 614

When the clerk of any court, other than that rendering the 615  
judgment, in whose office any such certificate is filed, has 616  
docketed and indexed the same, ~~he~~the clerk shall indorse upon 617  
such certificate the fact of such filing with the date thereof 618  
and the volume and page of the docket entry of such certificate 619  
and shall return the same so indorsed to the clerk of the court 620  
in which the judgment was rendered, who shall note upon the 621  
original docket the fact of the filing of said certificate, 622  
showing the county in which the same was filed and the date of 623  
such filing. When such certificate is filed, docketed, and 624  
indexed in the office of the clerk of the court which rendered 625  
the judgment, such clerk shall likewise indorse the certificate 626  
and make like notation upon the original docket. 627

Each such judgment shall be deemed to have been rendered 628  
in the county in which is kept the journal of the court 629  
rendering the same, in which journal such judgment is entered. 630

Certificates or certified copies of judgments or decrees 631  
of any courts of general jurisdiction, including district courts 632  
of the United States, within this state, may be filed, 633  
registered, noted, and memorials thereof entered, in the office 634  
of the recorder of any county in which is situated land 635  
registered under sections 5309.02 to 5309.98, ~~inclusive,~~ and 636

5310.01 to 5310.21, ~~inclusive,~~ of the Revised Code, for the 637  
purpose of making such judgments liens upon such registered 638  
land. 639

Notwithstanding any other provision of the Revised Code, 640  
any judgment issued in a court of record may be transferred to 641  
any other court of record. Any proceedings for collection may be 642  
had on such judgment the same as if it had been issued by the 643  
transferee court. 644

**Sec. 4513.61.** (A) The sheriff of a county or chief of a 645  
law enforcement agency of a municipal corporation, township, 646  
port authority, conservancy district, university campus police 647  
department, park district police force, or township or joint 648  
police district, within the sheriff's or chief's respective 649  
territorial jurisdiction, or a state highway patrol trooper, 650  
upon notification to the sheriff or chief of such action and of 651  
the location of the place of storage, may order into storage any 652  
motor vehicle, including an abandoned junk motor vehicle as 653  
defined in section 4513.63 of the Revised Code, that: 654

(1) Has come into the possession of the sheriff, chief, or 655  
state highway patrol trooper as a result of the performance of 656  
the sheriff's, chief's, or trooper's duties; or 657

(2) Has been left on a public street or other property 658  
open to the public for purposes of vehicular travel, or upon or 659  
within the right-of-way of any road or highway, for forty-eight 660  
hours or longer without notification to the sheriff or chief of 661  
the reasons for leaving the motor vehicle in such place. 662  
However, when such a motor vehicle constitutes an obstruction to 663  
traffic it may be ordered into storage immediately unless either 664  
of the following applies: 665

(a) The vehicle was involved in an accident and is subject 666  
to section 4513.66 of the Revised Code; 667

(b) The vehicle is a commercial motor vehicle. If the 668  
vehicle is a commercial motor vehicle, the sheriff, chief, or 669  
state highway patrol trooper shall allow the owner or operator 670  
of the vehicle the opportunity to arrange for the removal of the 671  
motor vehicle within a period of time specified by the sheriff, 672  
chief, or state highway patrol trooper. If the sheriff, chief, 673  
or state highway patrol trooper determines that the vehicle 674  
cannot be removed within the specified period of time, the 675  
sheriff, chief, or state highway patrol trooper shall order the 676  
removal of the vehicle. 677

Subject to division (C) of this section, the sheriff or 678  
chief shall designate the place of storage of any motor vehicle 679  
so ordered removed. 680

(B) If the sheriff, chief, or a state highway patrol 681  
trooper issues an order under division (A) of this section and 682  
arranges for the removal of a motor vehicle by a towing service, 683  
the towing service shall deliver the motor vehicle to the 684  
location designated by the sheriff or chief not more than two 685  
hours after the time it is removed. 686

(C) (1) The sheriff or chief shall cause a search to be 687  
made of the records of an applicable entity listed in division 688  
(F) (1) of section 4513.601 of the Revised Code to ascertain the 689  
identity of the owner and any lienholder of a motor vehicle 690  
ordered into storage by the sheriff or chief, or by a state 691  
highway patrol trooper within five business days of the removal 692  
of the vehicle. Upon obtaining such identity, the sheriff or 693  
chief shall send or cause to be sent to the owner ~~or~~ and any 694  
lienholder at the owner's ~~or~~ and any lienholder's last known 695



address by certified or express mail with return receipt 696  
requested, by certified mail with electronic tracking, or by a 697  
commercial carrier service utilizing any form of delivery 698  
requiring a signed receipt. The notice shall inform the owner ~~or~~ 699  
and any lienholder that the motor vehicle will be declared a 700  
nuisance and disposed of if not claimed within ten days of the 701  
date of the sending of the notice. 702

(2) The owner or lienholder of the motor vehicle may 703  
reclaim the motor vehicle upon payment of any expenses or 704  
charges incurred in its removal and storage, and presentation of 705  
proof of ownership, which may be evidenced by a certificate of 706  
title or memorandum certificate of title to the motor vehicle, a 707  
certificate of registration for the motor vehicle, or a lease 708  
agreement. Upon presentation of proof of ownership evidenced as 709  
provided above, the owner of the motor vehicle also may retrieve 710  
any personal items from the vehicle without retrieving the 711  
vehicle and without paying any fee. However, a towing service or 712  
storage facility may charge an after-hours retrieval fee 713  
established by the public utilities commission in rules adopted 714  
under section 4921.25 of the Revised Code if the owner retrieves 715  
the personal items after hours, unless the towing service or 716  
storage facility fails to provide the notice required under 717  
division (B) (3) of section 4513.69 of the Revised Code, if 718  
applicable. However, the owner shall not do either of the 719  
following: 720

(a) Retrieve any personal item that has been determined by 721  
the sheriff, chief, or a state highway patrol trooper, as 722  
applicable, to be necessary to a criminal investigation; 723

(b) Retrieve any personal item from a vehicle if it would 724  
endanger the safety of the owner, unless the owner agrees to 725

sign a waiver of liability. 726

For purposes of division (C)(2) of this section, "personal 727  
items" do not include any items that are attached to the 728  
vehicle. 729

(3) If the owner or lienholder of the motor vehicle 730  
reclaims it after a search of the applicable records has been 731  
conducted and after notice has been sent to the owner ~~or~~ and any 732  
lienholder as described in this section, and the search was 733  
conducted by the place of storage, and the notice was sent to 734  
the motor vehicle owner by the place of storage, the owner or 735  
lienholder shall pay to the place of storage a processing fee of 736  
twenty-five dollars, in addition to any expenses or charges 737  
incurred in the removal and storage of the vehicle. 738

(D) If the owner or lienholder makes no claim to the motor 739  
vehicle within ten days of the date of sending the notice, and 740  
if the vehicle is to be disposed of at public auction as 741  
provided in section 4513.62 of the Revised Code, the sheriff or 742  
chief, without charge to any party, shall file with the clerk of 743  
courts of the county in which the place of storage is located an 744  
affidavit showing compliance with the requirements of this 745  
section. Upon presentation of the affidavit, the clerk, without 746  
charge, shall issue a salvage certificate of title, free and 747  
clear of all liens and encumbrances, to the sheriff or chief. If 748  
the vehicle is to be disposed of to a motor vehicle salvage 749  
dealer or other facility as provided in section 4513.62 of the 750  
Revised Code, the sheriff or chief shall execute in triplicate 751  
an affidavit, as prescribed by the registrar of motor vehicles, 752  
describing the motor vehicle and the manner in which it was 753  
disposed of, and that all requirements of this section have been 754  
complied with. The sheriff or chief shall retain the original of 755

the affidavit for the sheriff's or chief's records, and shall 756  
furnish two copies to the motor vehicle salvage dealer or other 757  
facility. Upon presentation of a copy of the affidavit by the 758  
motor vehicle salvage dealer, the clerk of courts, within thirty 759  
days of the presentation, shall issue a salvage certificate of 760  
title, free and clear of all liens and encumbrances. 761

(E) Whenever a motor vehicle salvage dealer or other 762  
facility receives an affidavit for the disposal of a motor 763  
vehicle as provided in this section, the dealer or facility 764  
shall not be required to obtain an Ohio certificate of title to 765  
the motor vehicle in the dealer's or facility's own name if the 766  
vehicle is dismantled or destroyed and both copies of the 767  
affidavit are delivered to the clerk of courts. 768

(F) No towing service or storage facility shall fail to 769  
comply with this section. 770

**Sec. 4513.62.** An unclaimed motor vehicle ordered into 771  
storage pursuant to division (A) (1) of section 4513.60 or 772  
section 4513.61 of the Revised Code is subject to one of the 773  
following: 774

(A) The sheriff of the county or the chief of a law 775  
enforcement agency of the municipal corporation, township, port 776  
authority, conservancy district, university campus police 777  
department, park district police force, or township or joint 778  
police district may dispose of it with a motor vehicle salvage 779  
dealer or scrap metal processing facility as defined in section 780  
4737.05 of the Revised Code, or with any other facility owned by 781  
or under contract with the county, municipal corporation, port 782  
authority, conservancy district, university campus, park 783  
district, or township, for the disposal of such motor vehicles. 784

(B) The sheriff, chief, or a licensed auctioneer may sell 785  
the motor vehicle at public auction, after giving notice thereof 786  
by advertisement, published once a week for two successive weeks 787  
in a newspaper of general circulation in the county or as 788  
provided in section 7.16 of the Revised Code. 789

(C) A towing service or storage facility may obtain title 790  
to the motor vehicle in accordance with section 4505.104 of the 791  
Revised Code. 792

Any moneys accrued pursuant to division (A) or (B) of this 793  
section that are in excess of the expenses resulting from the 794  
removal and storage of the vehicle shall be credited to the 795  
general fund of the county, municipal corporation, port 796  
authority, township, conservancy district, university campus, 797  
park district, or joint police district, as the case may be. 798

**Sec. 4513.63.** "Abandoned junk motor vehicle" means any 799  
motor vehicle meeting all of the following requirements: 800

(A) Left on private property for forty-eight hours or 801  
longer without the permission of the person having the right to 802  
the possession of the property, on a public street or other 803  
property open to the public for purposes of vehicular travel or 804  
parking, or upon or within the right-of-way of any road or 805  
highway, for forty-eight hours or longer; 806

(B) Three years old, or older; 807

(C) Extensively damaged, such damage including but not 808  
limited to any of the following: missing wheels, tires, motor, 809  
or transmission; 810

(D) Apparently inoperable; 811

(E) Having a fair market value of one thousand five 812

hundred dollars or less. 813

The sheriff of a county or chief of a law enforcement 814  
agency of a municipal corporation, township, port authority, 815  
conservancy district, university campus police department, park 816  
district police force, or township or joint police district, 817  
within the sheriff's or chief's respective territorial 818  
jurisdiction, or a state highway patrol trooper, upon 819  
notification to the sheriff or chief of such action, shall order 820  
any abandoned junk motor vehicle to be photographed by a law 821  
enforcement officer. The officer shall record the make of motor 822  
vehicle, the serial number when available, and shall also detail 823  
the damage or missing equipment to substantiate the value of one 824  
thousand five hundred dollars or less. The sheriff or chief 825  
shall thereupon immediately dispose of the abandoned junk motor 826  
vehicle to a motor vehicle salvage dealer as defined in section 827  
4738.01 of the Revised Code or a scrap metal processing facility 828  
as defined in section 4737.05 of the Revised Code which is under 829  
contract to the county, township, port authority, conservancy 830  
district, university campus, park district, or municipal 831  
corporation, or to any other facility owned by or under contract 832  
with the county, township, port authority, conservancy district, 833  
university campus, park district, or municipal corporation for 834  
the destruction of such motor vehicles. The records and 835  
photograph relating to the abandoned junk motor vehicle shall be 836  
retained by the law enforcement agency ordering the disposition 837  
of such vehicle for a period of at least two years. The law 838  
enforcement agency shall execute in quadruplicate an affidavit, 839  
as prescribed by the registrar of motor vehicles, describing the 840  
motor vehicle and the manner in which it was disposed of, and 841  
that all requirements of this section have been complied with, 842  
and, within thirty days of disposing of the vehicle, shall sign 843

and file the affidavit with the clerk of courts of the county in 844  
which the motor vehicle was abandoned. The clerk of courts shall 845  
retain the original of the affidavit for the clerk's files, 846  
shall furnish one copy thereof to the registrar, one copy to the 847  
motor vehicle salvage dealer or other facility handling the 848  
disposal of the vehicle, and one copy to the law enforcement 849  
agency ordering the disposal, who shall file such copy with the 850  
records and photograph relating to the disposal. Any moneys 851  
arising from the disposal of an abandoned junk motor vehicle 852  
shall be deposited in the general fund of the county, township, 853  
port authority, conservancy district, university campus, park 854  
district, or the municipal corporation, as the case may be. 855

Notwithstanding section 4513.61 of the Revised Code, any 856  
motor vehicle meeting the requirements of divisions (C), (D), 857  
and (E) of this section which has remained unclaimed by the 858  
owner or lienholder for a period of ten days or longer following 859  
notification as provided in section 4513.61 of the Revised Code 860  
may be disposed of as provided in this section. 861

**Sec. 4513.64.** (A) No person shall willfully leave an 862  
abandoned junk motor vehicle as defined in section 4513.63 of 863  
the Revised Code on private property for more than seventy-two 864  
hours without the permission of the person having the right to 865  
the possession of the property, or on a public street or other 866  
property open to the public for purposes of vehicular travel or 867  
parking, or upon or within the right-of-way of any road or 868  
highway, for forty-eight hours or longer without notification to 869  
the sheriff of the county or chief of a law enforcement agency 870  
of the municipal corporation, township, port authority, 871  
conservancy district, university campus police department, park 872  
district police force, or township or joint police district of 873  
the reasons for leaving the motor vehicle in such place. 874

For purposes of this section, the fact that a motor 875  
vehicle has been so left without permission or notification is 876  
prima-facie evidence of abandonment. 877

Nothing contained in sections 4513.60, 4513.61, and 878  
4513.63 of the Revised Code shall invalidate the provisions of 879  
municipal ordinances or township resolutions regulating or 880  
prohibiting the abandonment of motor vehicles on streets, 881  
highways, public property, or private property within municipal 882  
corporations or townships. 883

(B) Whoever violates this section is guilty of a minor 884  
misdemeanor and shall also be assessed any costs incurred by the 885  
county, township, joint police district, port authority, 886  
conservancy district, university campus, park district, or 887  
municipal corporation in disposing of the abandoned junk motor 888  
vehicle that is the basis of the violation, less any money 889  
accruing to the county, township, joint police district, port 890  
authority, conservancy district, university campus, park 891  
district, or municipal corporation from this disposal of the 892  
vehicle. 893

**Sec. 4513.66.** (A) If a motor vehicle accident occurs on 894  
any highway, public street, or other property open to the public 895  
for purposes of vehicular travel and if any motor vehicle, 896  
cargo, or personal property that has been damaged or spilled as 897  
a result of the motor vehicle accident is blocking the highway, 898  
street, or other property or is otherwise endangering public 899  
safety, a public safety official may do either of the following 900  
without the consent of the owner but with the approval of the 901  
law enforcement agency conducting any investigation of the 902  
accident: 903

(1) Remove, or order the removal of, the motor vehicle if 904

the motor vehicle is unoccupied, cargo, or personal property 905  
from the portion of the highway, public street, or property 906  
ordinarily used for vehicular travel on the highway, public 907  
street, or other property open to the public for purposes of 908  
vehicular travel. 909

(2) If the motor vehicle is a commercial motor vehicle, 910  
allow the owner or operator of the vehicle the opportunity to 911  
arrange for the removal of the motor vehicle within a period of 912  
time specified by the public safety official. If the public 913  
safety official determines that the motor vehicle cannot be 914  
removed within the specified period of time, the public safety 915  
official shall remove or order the removal of the motor vehicle. 916

(B) (1) Except as provided in division (B) (2) of this 917  
section, the department of transportation, any employee of the 918  
department of transportation, or a public safety official who 919  
authorizes or participates in the removal of any unoccupied 920  
motor vehicle, cargo, or personal property as authorized by 921  
division (A) of this section, regardless of whether the removal 922  
is executed by a private towing service, is not liable for civil 923  
damages for any injury, death, or loss to person or property 924  
that results from the removal of that unoccupied motor vehicle, 925  
cargo, or personal property. Further, except as provided in 926  
division (B) (2) of this section, if a public safety official 927  
authorizes, employs, or arranges to have a private towing 928  
service remove any unoccupied motor vehicle, cargo, or personal 929  
property as authorized by division (A) of this section, that 930  
private towing service is not liable for civil damages for any 931  
injury, death, or loss to person or property that results from 932  
the removal of that unoccupied motor vehicle, cargo, or personal 933  
property. 934



(2) Division (B) (1) of this section does not apply to any of the following:	935 936
(a) Any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (A) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway;	937 938 939 940 941
(b) A private towing service that was not authorized, employed, or arranged by a public safety official to remove an unoccupied motor vehicle, cargo, or personal property under this section;	942 943 944 945
(c) Except as provided in division (B) (2) (d) of this section, a private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property but the private towing service performed the removal in a negligent manner;	946 947 948 949 950 951
(d) A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety but the private towing service performed the removal in a reckless manner.	952 953 954 955 956
(C) As used in this section:	957
(1) "Public safety official" means any of the following:	958
(a) The sheriff of the county, or the chief of a law enforcement agency in the municipal corporation, township, port authority, conservancy district, <u>university campus police department, park district police force,</u> or township or joint police district, in which the accident occurred;	959 960 961 962 963

(b) A state highway patrol trooper;	964
(c) The chief of the fire department having jurisdiction where the accident occurred;	965 966
(d) A duly authorized subordinate acting on behalf of an official specified in divisions (C) (1) (a) to (c) of this section.	967 968 969
(2) "Hazardous material" has the same meaning as in section 2305.232 of the Revised Code.	970 971
<b>Sec. 4749.01.</b> As used in this chapter:	972
(A) "Private investigator" means any person who engages in the business of private investigation.	973 974
(B) "Business of private investigation" means, except when performed by one excluded under division (H) of this section, the conducting, for hire, in person or through a partner or employees, of any investigation relevant to any crime or wrong done or threatened, or to obtain information on the identity, habits, conduct, movements, whereabouts, affiliations, transactions, reputation, credibility, or character of any person, or to locate and recover lost or stolen property, or to determine the cause of or responsibility for any libel or slander, or any fire, accident, or damage to property, or to secure evidence for use in any legislative, administrative, or judicial investigation or proceeding.	975 976 977 978 979 980 981 982 983 984 985 986
(C) "Security guard provider" means any person who engages in the business of security services.	987 988
(D) "Business of security services" means either of the following:	989 990
(1) Furnishing, for hire, watchpersons, guards, private	991

patrol officers, or other persons whose primary duties are to	992
protect persons or property;	993
(2) Furnishing, for hire, guard dogs, or armored motor	994
vehicle security services, in connection with the protection of	995
persons or property.	996
(E) "Class A license" means a license issued under section	997
4749.03 of the Revised Code that qualifies the person issued the	998
license to engage in the business of private investigation and	999
the business of security services.	1000
(F) "Class B license" means a license issued under section	1001
4749.03 of the Revised Code that qualifies the person issued the	1002
license to engage only in the business of private investigation.	1003
(G) "Class C license" means a license issued under section	1004
4749.03 of the Revised Code that qualifies the person issued the	1005
license to engage only in the business of security services.	1006
(H) "Private investigator," "business of private	1007
investigation," "security guard provider," and "business of	1008
security services" do not include:	1009
(1) Public officers and employees whose official duties	1010
require them to engage in investigatory activities;	1011
(2) Attorneys at law or any expert hired by an attorney at	1012
law for consultation or litigation purposes;	1013
(3) A consumer reporting agency, as defined in the "Fair	1014
Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as	1015
amended, provided that the consumer reporting agency is in	1016
compliance with the requirements of that act and that the	1017
agency's activities are confined to any of the following:	1018
(a) The issuance of consumer credit reports;	1019

(b) The conducting of limited background investigations 1020  
that pertain only to a client's prospective tenant and that are 1021  
engaged in with the prior written consent of the prospective 1022  
tenant; 1023

(c) The business of pre-employment background 1024  
investigation. As used in division (H) (3) (c) of this section, 1025  
"business of pre-employment background investigation" means, and 1026  
is limited to, furnishing for hire, in person or through a 1027  
partner or employees, the conducting of limited background 1028  
investigations, in-person interviews, telephone interviews, or 1029  
written inquiries that pertain only to a client's prospective 1030  
employee and the employee's employment and that are engaged in 1031  
with the prior written consent of the prospective employee. 1032

(4) Certified public insurance adjusters that hold a 1033  
certificate of authority issued pursuant to sections 3951.01 to 1034  
3951.09 of the Revised Code, while the adjuster is investigating 1035  
the cause of or responsibility for a fire, accident, or other 1036  
damage to property with respect to a claim or claims for loss or 1037  
damage under a policy of insurance covering real or personal 1038  
property; 1039

(5) Personnel placement services and persons who act as 1040  
employees of such entities engaged in investigating matters 1041  
related to personnel placement activities; 1042

(6) An employee in the regular course of the employee's 1043  
employment, engaged in investigating matters pertinent to the 1044  
business of the employee's employer or protecting property in 1045  
the possession of the employee's employer, provided the employer 1046  
is deducting all applicable state and federal employment taxes 1047  
on behalf of the employee and neither the employer nor the 1048  
employee is employed by, associated with, or acting for or on 1049

behalf of any private investigator or security guard provider; 1050

(7) Any better business bureau or similar organization or 1051  
any of its employees while engaged in the maintenance of the 1052  
quality of business activities relating to consumer sales and 1053  
services; 1054

(8) An accountant who is registered or certified under 1055  
Chapter 4701. of the Revised Code or any of the accountant's 1056  
employees while engaged in activities for which the accountant 1057  
is certified or registered; 1058

(9) Any person who, for hire or otherwise, conducts 1059  
genealogical research in this state. 1060

As used in division (H) (9) of this section, "genealogical 1061  
research" means the determination of the origins and descent of 1062  
families, including the identification of individuals, their 1063  
family relationships, and the biographical details of their 1064  
lives. "Genealogical research" does not include furnishing for 1065  
hire services for locating missing persons or natural or birth 1066  
parents or children. 1067

(10) Any person residing in this state who conducts 1068  
research for the purpose of locating the last known owner of 1069  
unclaimed funds, provided that the person is in compliance with 1070  
Chapter 169. of the Revised Code and rules adopted thereunder. 1071  
The exemption set forth in division (H) (10) of this section 1072  
applies only to the extent that the person is conducting 1073  
research for the purpose of locating the last known owner of 1074  
unclaimed funds. 1075

As used in division (H) (10) of this section, "owner" and 1076  
"unclaimed funds" have the same meanings as in section 169.01 of 1077  
the Revised Code. 1078

(11) A professional engineer who is registered under 1079  
Chapter 4733. of the Revised Code or any of his employees. 1080

As used in division (H) (11) of this section and 1081  
notwithstanding division (I) of this section, "employee" has the 1082  
same meaning as in section 4101.01 of the Revised Code. 1083

(12) Any person residing in this state who, for hire or 1084  
otherwise, conducts research for the purpose of locating persons 1085  
to whom the state of Ohio owes money in the form of warrants, as 1086  
defined in ~~division (S) of~~ section 131.01 of the Revised Code, 1087  
that the state voided but subsequently reissues. 1088

(13) An independent insurance adjuster who, as an 1089  
individual, an independent contractor, an employee of an 1090  
independent contractor, adjustment bureau association, 1091  
corporation, insurer, partnership, local recording agent, 1092  
managing general agent, or self-insurer, engages in the business 1093  
of independent insurance adjustment, or any person who 1094  
supervises the handling of claims except while acting as an 1095  
employee of an insurer licensed in this state while handling 1096  
claims pertaining to specific policies written by that insurer. 1097

As used in division (H) (13) of this section, "independent 1098  
insurance adjustment" means conducting investigations to 1099  
determine the cause of or circumstances concerning a fire, 1100  
accident, bodily injury, or damage to real or personal property; 1101  
determining the extent of damage of that fire, accident, injury, 1102  
or property damage; securing evidence for use in a legislative, 1103  
administrative, or judicial investigation or proceeding, 1104  
adjusting losses; and adjusting or settling claims, including 1105  
the investigation, adjustment, denial, establishment of damages, 1106  
negotiation, settlement, or payment of claims in connection with 1107  
insurance contractors, self-insured programs, or other similar 1108

insurance programs. "Independent adjuster" does not include 1109  
either of the following: 1110

(a) An attorney who adjusts insurance losses incidental to 1111  
the practice of law and who does not advertise or represent that 1112  
the attorney is an independent insurance adjuster; 1113

(b) A licensed agent or general agent of an insurer 1114  
licensed in this state who processes undisputed or uncontested 1115  
losses for insurers under policies issued by that agent or 1116  
general agent. 1117

(14) Except for a commissioned peace officer who engages 1118  
in the business of private investigation or compensates others 1119  
who engage in the business of private investigation or the 1120  
business of security services or both, any commissioned peace 1121  
officer as defined in division (B) of section 2935.01 of the 1122  
Revised Code. 1123

(I) "Employee" means every person who may be required or 1124  
directed by any employer, in consideration of direct or indirect 1125  
gain or profit, to engage in any employment, or to go, or work, 1126  
or be at any time in any place of employment, provided that the 1127  
employer of the employee deducts all applicable state and 1128  
federal employment taxes on behalf of the employee. 1129

Sec. 5301.234. (A) A mortgage encumbering real property 1130  
granted to secure the repayment of funds used to satisfy a 1131  
mortgage or lien on such real property shall be subrogated to 1132  
the priority of the mortgage or lien that was satisfied to the 1133  
extent of the amount satisfied if both of the following apply: 1134

(1) The intent of the parties to the new mortgage is that 1135  
the new mortgage would have the priority of the mortgage or lien 1136  
satisfied. 1137

(2) The expectation of the holder of a subordinate mortgage or lien at the time that it received its interest was that it would be junior to the mortgage or lien that was satisfied. 1138  
1139  
1140  
1141

(B) A mortgagee seeking to be subrogated pursuant to division (A) of this section to the priority of a lien that the mortgagee has satisfied shall not be denied subrogation for any of the following reasons: 1142  
1143  
1144  
1145

(1) The mortgagee meets any of the following criteria: 1146

(a) The mortgagee is engaged in the business of lending. 1147

(b) The mortgagee had actual knowledge or constructive notice of the mortgage or lien over which the mortgagee would gain priority through subrogation. 1148  
1149  
1150

(c) The mortgagee or a third party committed a mistake or was negligent. 1151  
1152

(2) The lien for which the mortgagee seeks to be subrogated was released. 1153  
1154

(3) The mortgagee obtained a title insurance policy. 1155

(C) Notwithstanding division (A) of this section, the holder of a subordinate mortgage or lien retains the same subordinate position that such person would have had if the prior mortgage or lien had not been satisfied. 1156  
1157  
1158  
1159

**Sec. 5323.02.** (A) An owner of residential rental property shall file with the county auditor of the county in which the property is located the following information: 1160  
1161  
1162

(1) The name, address, and telephone number of the owner; 1163

(2) If the residential rental property is owned by a 1164



trust, business trust, estate, partnership, limited partnership, 1165  
limited liability company, association, corporation, or any 1166  
other business entity, the name, address, and telephone number 1167  
of the following: 1168

(a) A trustee, in the case of a trust or business trust; 1169

(b) The executor or administrator, in the case of an 1170  
estate; 1171

(c) A general partner, in the case of a partnership or a 1172  
limited partnership; 1173

(d) A member, manager, or officer, in the case of a 1174  
limited liability company; 1175

(e) An associate, in the case of an association; 1176

(f) An officer, in the case of a corporation; 1177

(g) A member, manager, or officer, in the case of any 1178  
other business entity. 1179

(3) The street address and permanent parcel number of the 1180  
residential rental property. 1181

(B) The information required under division (A) of this 1182  
section shall be filed and maintained on the tax list or the 1183  
real property record. 1184

(C) An owner of residential rental property shall update 1185  
the information required under division (A) of this section 1186  
within sixty days after any change in the information occurs. 1187

(D) The county auditor shall provide an owner of 1188  
residential rental property located in a county that has a 1189  
population of more than two hundred thousand according to the 1190  
most recent decennial census with notice pursuant to division 1191

(B) of section 323.131 of the Revised Code of the requirement to 1192  
file the information required under division (A) of this section 1193  
and the requirement to update that information under division 1194  
(C) of this section. 1195

(E) The owner of residential real property shall comply 1196  
with the requirements under divisions (A) and (C) of this 1197  
section within sixty days after receiving the notice provided 1198  
under division (D) of this section, division (D) of section 1199  
319.202, or division (B) of section 323.131 of the Revised Code. 1200

(F) Any agent designated by the owner to manage the 1201  
property on the owner's behalf may file or update any 1202  
information, or do anything otherwise required by this section, 1203  
on the owner's behalf. 1204

**Section 2.** That existing sections 317.13, 317.32, 317.321, 1205  
317.36, 1113.13, 1337.04, 2329.02, 4513.61, 4513.62, 4513.63, 1206  
4513.64, 4513.66, 4749.01, and 5323.02 of the Revised Code are 1207  
hereby repealed. 1208

**Section 3.** All items in this section are hereby 1209  
appropriated as designated out of any moneys in the state 1210  
treasury to the credit of the designated fund. For all 1211  
appropriations made in this act, those in the first column are 1212  
for fiscal year 2024 and those in the second column are for 1213  
fiscal year 2025. The appropriations made in this act are in 1214  
addition to any other appropriations made for the FY 2024-FY 1215  
2025 biennium. 1216

1217

A	TOS TREASURER OF STATE			
B	General Revenue Fund			
C	GRF 090409	County Recorder Electronic Record Modernization Program	\$6,500,000	\$0
D	TOTAL General Revenue Fund		\$6,500,000	\$0
E	Dedicated Purpose Fund Group			
F	XXXX 090XXX	County Recorder Electronic Record Supplement	\$1,500,000	\$0
G	TOTAL Dedicated Purpose Fund Group		\$1,500,000	\$0
H	TOTAL ALL BUDGET FUND GROUPS		\$8,000,000	\$0

COUNTY RECORDER ELECTRONIC RECORD MODERNIZATION PROGRAM 1218

The foregoing appropriation item 090409, County Recorder 1219  
 Electronic Record Modernization Program, shall be used by the 1220  
 Treasurer of State to distribute funds to reimburse counties 1221  
 under the County Recorder Electronic Record Modernization 1222  
 Program, for use by county recorder's offices to implement the 1223  
 requirements set forth in divisions (E) and (F) of section 1224  
 317.13 of the Revised Code, upon the effective date of that 1225  
 section, as amended by this act. Counties that meet the 1226  
 requirements set forth in divisions (E) and (F) of section 1227  
 317.13 of the Revised Code on the effective date of section 1228  
 317.13 of the Revised Code, as amended by this act, are 1229  
 ineligible for funds under the Program. A county that receives 1230  
 funds under the Program shall credit those funds to the 1231  
 Recorder's Technology Fund at least to the extent necessary to 1232

reimburse the fund for money the county recorder spent to 1233  
implement the requirements set forth in divisions (E) and (F) of 1234  
section 317.13 of the Revised Code, as amended by this act. 1235

COUNTY RECORDER ELECTRONIC RECORD MODERNIZATION FUND 1236

The County Recorder Electronic Modernization Fund (Fund 1237  
XXXX) is hereby created in the state treasury. Money in the fund 1238  
shall be used to distribute funds to reimburse counties under 1239  
the County Recorder Electronic Record Modernization Program. On 1240  
July 1, 2023, or as soon as possible thereafter, the Treasurer 1241  
of State shall transfer \$1,500,000 cash from the Assurance Fund 1242  
in the custody of the Treasurer of State, to the County Recorder 1243  
Electronic Modernization Fund (Fund XXXX). 1244

**Section 4.** Within the limits set forth in this act, the 1245  
Director of Budget and Management shall establish accounts 1246  
indicating the source and amount of funds for each appropriation 1247  
made in this act, and shall determine the form and manner in 1248  
which appropriation accounts shall be maintained. Expenditures 1249  
from appropriations contained in this act shall be accounted for 1250  
as though made in H.B. 33 of the 135th General Assembly. The 1251  
appropriations made in this act are subject to all provisions of 1252  
H.B. 33 of the 135th General Assembly that are generally 1253  
applicable to such appropriations. 1254

**Section 5.** If a county utilizes funds received under 1255  
Section 3 of this act to implement the requirements set forth in 1256  
divisions (E) and (F) of section 317.13 of the Revised Code as 1257  
amended by this act, it shall be within the county recorder's 1258  
discretion whether to hire new staff or enter into a contract 1259  
with a private entity in order to implement those requirements. 1260