

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Am. Sub. S. B. No. 130

Senator Wilson

**Cosponsors: Senators Cirino, Craig, DeMora, Hackett, Hicks-Hudson, Ingram,
Landis, Lang, Manning, Reineke, Sykes**

**Representatives Mathews, Brennan, Carruthers, Dell'Aquila, Dobos, Fischer,
Hillyer, Mohamed, Patton, Rogers, Schmidt, Thomas, C., Willis**

A BILL

To amend sections 111.16, 147.01, 147.011, 147.03, 1
147.032, 147.051, 147.07, 147.08, 147.141, 2
147.371, 147.51, 147.52, 147.53, 147.542, 3
147.591, 147.60, 147.99, 1706.712, 3345.56, 4
3376.01, 3376.02, 3376.03, 3376.04, 3376.06, 5
3376.07, and 3376.08; to amend, for the purpose 6
of adopting a new section number as indicated in 7
parentheses, section 3345.56 (3376.11); to enact 8
new section 147.54 and sections 147.49, 147.50, 9
3376.09, 3376.10, 3376.12, and 3376.13; and to 10
repeal sections 147.13, 147.14, 147.54, 147.541, 11
and 3376.05 of the Revised Code to amend the law 12
regarding compensation to intercollegiate 13
athletes, to amend the law regarding notaries 14
public, to make changes to the Ohio Revised 15
Limited Liability Company Act, and to make 16
changes to fees charged by the Ohio Secretary of 17
State. 18

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

Section 1. That sections 111.16, 147.01, 147.011, 147.03, 19
147.032, 147.051, 147.07, 147.08, 147.141, 147.371, 147.51, 20
147.52, 147.53, 147.542, 147.591, 147.60, 147.99, 1706.712, 21
3345.56, 3376.01, 3376.02, 3376.03, 3376.04, 3376.06, 3376.07, 22
and 3376.08 be amended; section 3345.56 (3376.11) be amended for 23
the purpose of adopting a new section number as indicated in 24
parentheses; and new section 147.54 and sections 147.49, 147.50, 25
3376.09, 3376.10, 3376.12, and 3376.13 of the Revised Code be 26
enacted to read as follows: 27

Sec. 111.16. Except as provided in section 1701.041 of the 28
Revised Code, the secretary of state shall charge and collect, 29
for the benefit of the state, the following fees: 30

(A) For filing and recording articles of incorporation of 31
a domestic corporation, including designation of agent: 32

(1) Wherein the corporation shall not be authorized to 33
issue any shares of capital stock, ninety-nine dollars; 34

(2) Wherein the corporation shall be authorized to issue 35
shares of capital stock, with or without par value: 36

(a) Ten cents for each share authorized up to and 37
including one thousand shares; 38

(b) Five cents for each share authorized in excess of one 39
thousand shares up to and including ten thousand shares; 40

(c) Two cents for each share authorized in excess of ten 41
thousand shares up to and including fifty thousand shares; 42

(d) One cent for each share authorized in excess of fifty 43
thousand shares up to and including one hundred thousand shares; 44

(e) One-half cent for each share authorized in excess of 45
one hundred thousand shares up to and including five hundred 46

thousand shares;	47
(f) One-quarter cent for each share authorized in excess	48
of five hundred thousand shares; provided no fee shall be less	49
than ninety-nine dollars or greater than one hundred thousand	50
dollars.	51
(B) For filing and recording a certificate of amendment to	52
or amended articles of incorporation of a domestic corporation,	53
or for filing and recording a certificate of reorganization, a	54
certificate of dissolution, or an amendment to a foreign license	55
application:	56
(1) If the domestic corporation is not authorized to issue	57
any shares of capital stock, fifty dollars;	58
(2) If the domestic corporation is authorized to issue	59
shares of capital stock, fifty dollars, and in case of any	60
increase in the number of shares authorized to be issued, a	61
further sum computed in accordance with the schedule set forth	62
in division (A) (2) of this section less a credit computed in the	63
same manner for the number of shares previously authorized to be	64
issued by the corporation; provided no fee under division (B) (2)	65
of this section shall be greater than one hundred thousand	66
dollars;	67
(3) If the foreign corporation is not authorized to issue	68
any shares of capital stock, fifty dollars;	69
(4) If the foreign corporation is authorized to issue	70
shares of capital stock, fifty dollars.	71
(C) For filing and recording articles of incorporation of	72
a savings and loan association, ninety-nine dollars; and for	73
filing and recording a certificate of amendment to or amended	74
articles of incorporation of a savings and loan association,	75

fifty dollars; 76

(D) For filing and recording a certificate of conversion, 77
including a designation of agent, a certificate of merger, or a 78
certificate of consolidation, ninety-nine dollars and, in the 79
case of any new corporation resulting from a consolidation or 80
any surviving corporation that has an increased number of shares 81
authorized to be issued resulting from a merger, an additional 82
sum computed in accordance with the schedule set forth in 83
division (A) (2) of this section less a credit computed in the 84
same manner for the number of shares previously authorized to be 85
issued or represented in this state by each of the corporations 86
for which a consolidation or merger is effected by the 87
certificate; 88

(E) For filing and recording articles of incorporation of 89
a credit union or the American credit union guaranty 90
association, ninety-nine dollars, and for filing and recording a 91
certificate of increase in capital stock or any other amendment 92
of the articles of incorporation of a credit union or the 93
association, fifty dollars; 94

(F) For filing and recording articles of organization of a 95
limited liability company, for filing and recording an 96
application to become a registered foreign limited liability 97
company, for filing and recording a registration application to 98
become a domestic limited liability partnership, or for filing 99
and recording an application to become a registered foreign 100
limited liability partnership, ninety-nine dollars; 101

(G) For filing and recording a certificate of limited 102
partnership or an application for registration as a foreign 103
limited partnership, or for filing an initial statement of 104
partnership authority pursuant to section 1776.33 of the Revised 105

Code, ninety-nine dollars;	106
(H) For filing a copy of papers evidencing the	107
incorporation of a municipal corporation or of annexation of	108
territory by a municipal corporation, five dollars, to be paid	109
by the municipal corporation, the petitioners therefor, or their	110
agent;	111
(I) For filing and recording any of the following:	112
(1) A license to transact business in this state by a	113
foreign corporation for profit pursuant to section 1703.04 of	114
the Revised Code or a foreign nonprofit corporation pursuant to	115
section 1703.27 of the Revised Code, ninety-nine dollars;	116
(2) A biennial report or biennial statement pursuant to	117
section 1775.63, 1776.83, or 1785.06 of the Revised Code,	118
twenty-five dollars;	119
(3) Except as otherwise provided in this section or any	120
other section of the Revised Code, any other certificate or	121
paper that is required to be filed and recorded or is permitted	122
to be filed and recorded by any provision of the Revised Code	123
with the secretary of state, twenty-five dollars.	124
(J) For filing any certificate or paper not required to be	125
recorded, five dollars;	126
(K) (1) For making copies of any certificate or other paper	127
filed in the office of the secretary of state, a fee not to	128
exceed one dollar per page, except as otherwise provided in the	129
Revised Code, and for creating and affixing the seal of the	130
office of the secretary of state to any good standing or other	131
certificate, five dollars. For copies of certificates or papers	132
required by state officers for official purpose, no charge shall	133
be made.	134

(2) For creating and affixing the seal of the office of	135
the secretary of state to the certificates described in division	136
(E) of section 1701.81, division (E) of section 1701.811,	137
division (E) of section 1705.38, division (E) of section	138
1705.381, division (D) of section 1702.43, division (E) of	139
section 1775.47, division (E) of section 1775.55, division (E)	140
of section 1776.70, division (E) of section 1776.74, division	141
(E) of section 1782.433, or division (E) of section 1782.4310 of	142
the Revised Code, twenty-five dollars.	143
(L) For a minister's license to solemnize marriages, ten	144
dollars;	145
(M) For examining documents to be filed at a later date	146
for the purpose of advising as to the acceptability of the	147
proposed filing, fifty dollars;	148
(N) Fifty dollars for filing and recording any of the	149
following:	150
(1) A certificate of dissolution and accompanying	151
documents, or a certificate of cancellation, under section	152
1701.86, 1702.47, 1705.43, 1706.471, 1776.65, or 1782.10 of the	153
Revised Code;	154
(2) A notice of dissolution of a foreign licensed	155
corporation or a certificate of surrender of license by a	156
foreign licensed corporation under section 1703.17 of the	157
Revised Code;	158
(3) The withdrawal of registration of a foreign or	159
domestic limited liability partnership under section 1775.61,	160
1775.64, 1776.81, or 1776.86 of the Revised Code, or the	161
certificate of cancellation of registration of a foreign limited	162
liability company under section 1705.57 or 1706.514 of the	163

Revised Code;	164
(4) The filing of a statement of denial under section	165
<u>1706.20 or 1776.34</u> of the Revised Code, a statement of	166
dissociation under section 1776.57 of the Revised Code, a	167
statement of disclaimer of general partner status under Chapter	168
1782. of the Revised Code, or a cancellation of disclaimer of	169
general partner status under Chapter 1782. of the Revised Code, <u>or</u>	170
<u>a statement of authority under section 1706.19 of the Revised</u>	171
<u>Code, or an amendment or cancellation of a statement of</u>	172
<u>authority under section 1706.19 of the Revised Code.</u>	173
(O) For filing a statement of continued existence by a	174
nonprofit corporation, twenty-five dollars;	175
(P) For filing a restatement under section 1705.08,	176
1706.161, or 1782.09 of the Revised Code, an amendment to a	177
certificate of cancellation under section 1782.10 of the Revised	178
Code, an amendment under section 1705.08, 1706.161, or 1782.09	179
of the Revised Code, or a correction under section 1705.55,	180
1706.173, 1706.511, 1706.513, 1775.61, 1775.64, 1776.12, or	181
1782.52 of the Revised Code, fifty dollars;	182
(Q) For filing for reinstatement of an entity cancelled by	183
operation of law, by the secretary of state, by order of the	184
department of taxation, or by order of a court, twenty-five	185
dollars;	186
(R) For filing and recording any of the following:	187
(1) A change of agent, resignation of agent, or change of	188
agent's address under section 1701.07, 1702.06, 1703.041,	189
1703.27, 1705.06, 1705.55, 1706.09, 1746.04, 1747.03, 1776.07,	190
or 1782.04 of the Revised Code, twenty-five dollars;	191
(2) A multiple change of agent name or address,	192

standardization of agent address, or resignation of agent under 193
section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55, 194
1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised 195
Code, one hundred twenty-five dollars, plus three dollars per 196
entity record being changed, by the multiple agent update. 197

(S) For filing and recording any of the following: 198

(1) An application for the exclusive right to use a name 199
or an application to reserve a name for future use under section 200
1701.05, 1702.05, 1703.31, 1705.05, 1706.07, or 1746.06 of the 201
Revised Code, thirty-nine dollars; 202

(2) A trade name or fictitious name registration or 203
report, thirty-nine dollars; 204

(3) An application to renew any item covered by division 205
(S) (1) or (2) of this section that is permitted to be renewed, 206
twenty-five dollars; 207

(4) An assignment of rights for use of a name covered by 208
division (S) (1), (2), or (3) of this section, the cancellation 209
of a name registration or name reservation that is so covered, 210
or notice of a change of address of the registrant of a name 211
that is so covered, twenty-five dollars. 212

(T) For filing and recording a report to operate a 213
business trust or a real estate investment trust, either foreign 214
or domestic, ninety-nine dollars; and for filing and recording 215
an amendment to a report or associated trust instrument, or a 216
surrender of authority, to operate a business trust or real 217
estate investment trust, fifty dollars; 218

(U) (1) For filing and recording the registration of a 219
trademark, service mark, or mark of ownership, one hundred 220
twenty-five dollars; 221

(2) For filing and recording the change of address of a 222
registrant, the assignment of rights to a registration, a 223
renewal of a registration, or the cancellation of a registration 224
associated with a trademark, service mark, or mark of ownership, 225
twenty-five dollars. 226

(V) For filing a service of process with the secretary of 227
state, five dollars per address to be served, except as 228
otherwise provided in any section of the Revised Code. 229

Fees specified in this section may be paid by cash, check, 230
or money order, by credit card in accordance with section 113.40 231
of the Revised Code, or by an alternative payment program in 232
accordance with division (B) of section 111.18 of the Revised 233
Code. Any credit card number or the expiration date of any 234
credit card is not subject to disclosure under Chapter 149. of 235
the Revised Code. 236

Sec. 147.01. (A) The secretary of state may appoint and 237
commission as notaries public as many persons who meet the 238
qualifications of division (B) of this section as the secretary 239
of state considers necessary. 240

(B) In order for a person to qualify to be appointed and 241
commissioned as a notary public, except as provided in division 242
(F) of this section, the person shall demonstrate to the 243
secretary of state that the person satisfies all of the 244
following: 245

(1) The person has attained the age of eighteen years. 246

(2) (a) Except as provided in division (B) (2) (b) of this 247
section, the person is a legal resident of this state. 248

(b) The person is not a legal resident of this state, but 249
is an attorney admitted to the practice of law in this state by 250

the Ohio supreme court, and has the person's principal place of 251
business or the person's primary practice in this state. 252

(3) (a) Except as provided in division (B) (3) (b) of this 253
section, the person has submitted a criminal records check 254
report completed within the preceding six months in accordance 255
with section 147.022 of the Revised Code demonstrating that the 256
applicant has not been convicted of or pleaded guilty or no 257
contest to a disqualifying offense as determined in accordance 258
with section 9.79 of the Revised Code. 259

(b) A person that is an attorney admitted to the practice 260
of law in this state or a peace officer shall not be required to 261
submit a criminal records check when applying to be appointed a 262
notary public. 263

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 264
of this section, the person has successfully completed an 265
educational program and passed a test administered by the 266
entities authorized by the secretary of state as required under 267
section 147.021 of the Revised Code. 268

(b) An attorney who is commissioned as a notary public in 269
this state prior to September 20, 2019, shall not be required to 270
complete an education program or pass a test as required in 271
division (B) (4) (a) of this section. 272

(c) Any attorney who applies to become commissioned as a 273
notary public in this state after September 20, 2019, shall not 274
be required to pass a test as required in division (B) (4) (a) of 275
this section, but shall be required to complete an education 276
program required by that division. 277

~~(C)~~ (C) (1) A notary public shall be appointed and 278
commissioned as a notary public for the state. ~~The~~ 279

(2) The secretary of state may revoke a commission issued 280
to a notary public upon the judgment of a court or presentation 281
of satisfactory evidence of official misconduct or incapacity. 282

(3) If the secretary of state revokes a person's 283
commission, the person is ineligible for reappointment to the 284
office of notary public. 285

(D) The secretary of state shall oversee the processing of 286
notary public applications and shall issue all notary public 287
commissions. The secretary of state shall oversee the creation 288
and maintenance of the online database of notaries public 289
commissioned in this state pursuant to section 147.051 of the 290
Revised Code. The secretary of state may perform all other 291
duties as required by this section. The entities authorized by 292
the secretary of state pursuant to section 147.021 or 147.63 of 293
the Revised Code shall administer the educational program and 294
required test or course of instruction and examination, as 295
applicable. 296

(E) All submissions to the secretary of state for 297
receiving and renewing commissions, or notifications made under 298
section 147.05 of the Revised Code, shall be done 299
electronically. 300

(F) The secretary of state shall appoint and commission as 301
a notary public for the state an applicant who is commissioned 302
or licensed as a notary public in another state in accordance 303
with Chapter 4796. of the Revised Code. 304

(G) Before entering upon the duties of office, a notary 305
public shall personally appear before a notary public or any 306
officer authorized by law to administer oaths, who shall 307
administer an oath of office to the notary public. 308

Sec. 147.011. As used in this chapter:	309
(A) "Acknowledgment" means a declaration by an individual before a notary public that the individual has signed a record for the purpose stated in the record, and if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.	310 311 312 313 314 315
(B) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	316 317
(C) "Jurat" means a notarial act in which both of the following are met:	318 319
(1) The signer of the notarized document is required to give an oath or affirmation that the statement in the notarized document is true and correct;	320 321 322
(2) The signer signs the notarized document in the presence of a notary public.	323 324
(D) "Notarial certificate" means the part of, or attachment to, a document that is completed by the notary public and upon which the notary public places the notary public's signature and seal.	325 326 327 328
(E) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	329 330
<u>(F) "Notary public" means an officer of the state, commissioned to perform notarial acts by the secretary of state, or prior to June 6, 2001, by the governor. A notary public is not considered an occupation or profession under Title XLVII of the Revised Code, and a notary commission is not an occupational or professional license.</u>	331 332 333 334 335 336

Sec. 147.03. Each notary public, except an attorney 337
admitted to the practice of law in this state by the Ohio 338
supreme court, shall hold office for the term of five years 339
unless the commission is revoked. An attorney admitted to the 340
practice of law in this state by the Ohio supreme court shall 341
hold office as a notary public as long as the attorney is a 342
resident of this state or has the attorney's principal place of 343
business or primary practice in this state, the attorney is in 344
good standing before the Ohio supreme court, and the commission 345
is not revoked. ~~Before entering upon the duties of office, a~~ 346
~~notary public shall take and subscribe an oath to be endorsed on~~ 347
~~the notary public's commission.~~ 348

~~A notary public who violates the oath of office required~~ 349
~~by this section shall be removed from office by the secretary of~~ 350
~~state, upon complaint filed and substantiated by the secretary~~ 351
~~of state. The person so removed shall be ineligible for~~ 352
~~reappointment to the office of notary public.~~ 353

Sec. 147.032. (A) (1) If the secretary of state believes 354
that a violation of this chapter has occurred, the secretary of 355
state may investigate such violations. 356

(2) The secretary of state may investigate possible 357
violations of this chapter upon a signed complaint from any 358
person. 359

~~(B) The secretary of state may hold a disciplinary hearing~~ 360
~~if the secretary of state determines a hearing to be appropriate~~ 361
~~after an investigation conducted under division (A) of this~~ 362
~~section.~~ 363

~~(C) After holding an administrative hearing and concluding~~ 364
~~that a violation of this chapter has occurred, After an~~ 365

investigation, the secretary of state may ~~do take~~ any of the 366
following actions: 367

(1) Revoke the notary public's commission; 368

(2) Suspend the notary public's commission for a specified 369
period of time or until fulfillment of a condition, such as 370
retraining, or both. 371

(3) Issue a letter of admonition that shall be placed in 372
the notary public's record. 373

(C) A notary public shall cooperate fully with the 374
secretary of state during the course of an investigation under 375
this section, including by responding in a timely manner to all 376
questions posed by the secretary of state as part of that 377
investigation. The secretary of state shall revoke the 378
commission of a notary public who does not cooperate or respond 379
to questions as required by this division. 380

(D) The secretary of state may revoke the commission of a 381
notary public for any act or omission by the notary public that 382
demonstrates the notary public lacks the requisite honesty, 383
integrity, competence, or reliability to act as a notary public, 384
including any of the following: 385

(1) Failure to administer an oath or affirmation when 386
executing a jurat; 387

(2) Performing a notarial act without requiring personal 388
appearance, except in the case of an online notary public 389
performing an online notarization in accordance with sections 390
147.60 to 147.66 of the Revised Code; 391

(3) Fraudulent, dishonest, or deceitful misstatement or 392
omission on a notarial certificate. 393

(E) A person whose notary commission has been revoked may 394
not apply for a subsequent notary commission. 395

~~(E)~~ (F) The secretary of state may adopt rules under 396
Chapter 119. of the Revised Code to set forth procedures for 397
investigations and hearings regarding violations of this chapter 398
and disciplinary actions taken. 399

~~(F)~~ (G) The secretary of state may establish an advisory 400
board to meet as the secretary of state considers necessary to 401
discuss matters related to notary law and procedures. 402

Sec. 147.051. The secretary of state shall maintain a 403
database of notaries public on a publicly accessible web site. 404
The web site shall provide all of the following information in 405
relation to each notary public: 406

~~(A) A verification of the authority and good standing of~~ 407
~~the individual. The status of an individual's authority to~~ 408
perform notarial acts; 409

(B) Whether the notary is ~~registered~~ authorized to perform 410
online notarizations, as defined in section 147.60 of the 411
Revised Code; 412

(C) A description of any administrative or disciplinary 413
action taken against the notary. 414

Sec. 147.07. A notary public ~~may, throughout the state,~~ 415
~~administer oaths required or authorized by law, take and certify~~ 416
~~depositions, and take and certify acknowledgments of deeds,~~ 417
~~mortgages, liens, powers of attorney, and other instruments of~~ 418
~~writing. In taking depositions, a notary public shall have the~~ 419
~~power that is by law vested in judges of county courts to compel~~ 420
~~the attendance of witnesses and punish them for refusing to~~ 421
~~testify. Sheriffs and constables are required to serve and~~ 422

~~return all process issued by notaries public in the taking of~~ 423
~~depositions~~ has statewide jurisdiction. 424

Sec. 147.08. (A) A notary public is entitled to the 425
following fees: 426

⊕ 427

(1) Up to five dollars for any notarial act that is not an 428
online notarization; 429

(2) For an online notarization, up to ~~twenty five~~ thirty 430
dollars. 431

(B) A notary charging the fee authorized under division 432
(A) (2) of this section shall not also charge the fee authorized 433
under division (A) (1) of this section. 434

(C) The fees charged under division (A) of this section 435
shall not be calculated on a per signature basis. 436

(D) In addition to the fees authorized under division (A) 437
of this section, a notary may charge ~~a~~ either or both of the 438
following: 439

(1) A reasonable travel fee, as agreed to by the notary 440
and the principal prior to the notarial act; 441

(2) A technology fee up to ten dollars for the use of an 442
online notarization system when performing an online 443
notarization, as defined in section 147.60 of the Revised Code. 444
A notary may charge a technology fee regardless of whether the 445
notarial act is completed, such as when a signer fails to pass 446
the identification process in the online notarization system, 447
but the total technology fee charged shall not exceed ten 448
dollars per online notarization session. 449

(E) The secretary of state may adopt rules under Chapter 450
119. of the Revised Code to increase the fees authorized under 451
this section. 452

Sec. 147.141. (A) A notary public shall not do any of the 453
following: 454

(1) Perform a notarial act with regard to a record or 455
document executed by the notary; 456

(2) Notarize the notary's own signature; 457

(3) Take the notary's own deposition; 458

(4) Perform a notarial act if the notary has a conflict of 459
interest with regard to the transaction in question; 460

(5) Certify that a document is either of the following: 461

(a) An original document; 462

(b) A true copy of another record. 463

(6) Use a name or initial in signing certificates other 464
than that by which the notary public is commissioned; 465

(7) Sign notarial certificates using a facsimile signature 466
stamp unless the notary public has a physical disability that 467
limits or prohibits the notary's ability to make a written 468
signature and unless the notary has first submitted written 469
notice to the secretary of state with an example of the 470
facsimile signature stamp; 471

(8) Affix the notary's signature to a blank form of an 472
affidavit or certificate of acknowledgment and deliver that form 473
to another person with the intent that it be used as an 474
affidavit or acknowledgment; 475

(9) Take the acknowledgment of, or administer an oath or 476

affirmation to, a person who the notary public knows to have 477
been adjudicated mentally incompetent by a court of competent 478
jurisdiction, if the acknowledgment or oath or affirmation 479
necessitates the exercise of a right that has been removed; 480

(10) Notarize a signature on a document if it appears that 481
the person is mentally incapable of understanding the nature and 482
effect of the document at the time of notarization; 483

(11) Alter anything in a written instrument after it has 484
been signed by anyone; 485

(12) Amend or alter a notarial certificate after the 486
notarization is complete; 487

(13) Notarize a signature on a document if the document is 488
incomplete or blank; 489

(14) Notarize a signature on a document if it appears that 490
the signer may be unduly influenced or coerced so as to be 491
restricted from or compromised in exercising the person's own 492
free will when signing the document; 493

(15) Take an acknowledgment of execution in lieu of an 494
oath or affirmation if an oath or affirmation is required; 495

(16) Execute a jurat without administering an oath or 496
affirmation to the signer; 497

(17) Determine the validity of a power of attorney 498
document or any other form designating a representative 499
capacity, such as trustee, authorized officer, agent, personal 500
representative, or guardian, unless that notary is an attorney 501
licensed to practice law in this state; 502

(18) Charge or accept a fee greater than the amount 503
prescribed by law. 504

(B) Division (A) (5) of this section shall not be construed 505
as prohibiting a notary from notarizing the signature of a 506
holder of a document on a written statement certifying that the 507
document is a true copy of an original document. 508

(C) As used in this section, "conflict of interest" means 509
either of the following: 510

(1) The notary has a direct financial or other interest in 511
the transaction in question, excluding the fees authorized under 512
this chapter. 513

(2) The notary is named, individually or as a grantor, 514
grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, 515
vendor, lessor, or lessee, or as a party in some other capacity 516
to the transaction. 517

Sec. 147.371. (A) Upon receipt of a fee of two dollars ~~and~~ 518
~~an affidavit that the original commission of a notary public has~~ 519
~~been lost or destroyed~~ and submission of the electronic duplicate 520
commission request form, a duplicate commission as notary public 521
shall be issued by the secretary of state. 522

(B) Upon receipt of a fee of two dollars and ~~the properly-~~ 523
~~completed, prescribed form~~ submission of the electronic 524
amendment form for a name ~~and address~~ change under division (B) 525
of section 147.05 of the Revised Code, the secretary of state 526
shall issue a duplicate commission as a notary public. 527

(C) The secretary of state shall prescribe and make 528
available an electronic duplicate commission request form and an 529
electronic amendment form. 530

Sec. 147.49. (A) A notary public who takes an 531
acknowledgment of a record shall determine, from personal 532
knowledge or satisfactory evidence of the identity of the person 533

acknowledging, that the person appearing before the notary 534
public and making the acknowledgment has the identity claimed 535
and that the signature on the record is the signature of the 536
person. 537

(B) A notary public who takes a verification of a 538
statement on oath or affirmation, a jurat, shall determine from 539
personal knowledge or satisfactory evidence of the identity of 540
the person making the verification, that the person appearing 541
before the notary public and making the verification has the 542
identity claimed and that the signature on the statement 543
verified is the signature of the person. 544

Sec. 147.50. (A) A notary public has personal knowledge of 545
the identity of the person appearing before the notary public if 546
the person is personally known to the notary public through 547
dealings sufficient to provide reasonable certainty that the 548
person has the identity claimed. 549

(B) A notary public has satisfactory evidence of the 550
identity of the person appearing before the notary public if the 551
notary public can identify the person by either of the following 552
means: 553

(1) An inspection of a passport, driver's license, 554
government-issued nondriver identification card, or other form 555
of government-issued identification with the signature or 556
photograph of the individual, which is current or expired not 557
more than three years before performance of the notarial act, 558
and is satisfactory to the notary public; 559

(2) By verification on oath or affirmation of a credible 560
witness personally appearing before the notary public and 561
personally known to the notary public or whom the notary public 562

can identify on the basis of a passport, driver's license, or 563
other government-issued nondriver identification card, which is 564
current or expired not more than three years before performance 565
of the notarial act. A witness is not credible if the witness 566
has a conflict of interest regarding the transaction. 567

(C) A notary public may require a person to provide 568
additional information or identification credentials necessary 569
to assure the notary public of the identity of the person. 570

(D) As used in this section, "conflict of interest" means 571
either of the following: 572

(1) The person has a direct financial or other interest in 573
the transaction in question. 574

(2) The person is named, individually or as a grantor, 575
grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, 576
vendor, lessor, or lessee, or as a party in some other capacity 577
to the transaction. 578

~~**Sec. 147.51.** For the purposes of sections 147.51 to 147.58~~ 579
~~of the Revised Code, "notarial acts" means acts which the laws~~ 580
~~and regulations of this state authorize notaries public of this~~ 581
~~state to perform, including the administration of oaths and~~ 582
~~affirmations, taking proof of execution and acknowledgment of~~ 583
~~instruments, attesting documents, and executing a jurat.~~ 584

(A) A notary public, or any other individual with similar 585
authority under this section, is authorized to perform the 586
following notarial acts: 587

(1) Administer oaths or affirmations required or 588
authorized by law; 589

(2) Take and certify acknowledgments of deeds, mortgages, 590

liens, powers of attorney, and other instruments of writing; 591

(3) Take and certify depositions. In taking depositions, a 592
notary public shall have the power that is by law vested in 593
judges of county courts to compel the attendance of witnesses 594
and punish them for refusing to testify. Sheriffs and constables 595
are required to serve and return all process issued by notaries 596
public in the taking of depositions. 597

(B) Notarial acts may be performed outside this state for 598
use in this state with the same effect as if performed by a 599
notary public of this state by the following persons authorized 600
pursuant to the laws and regulations of other governments, in 601
addition to any other persons authorized by the laws and 602
regulations of this state: 603

~~(A)~~ (1) A notary public authorized to perform notarial 604
acts in the place in which the act is performed; 605

~~(B)~~ (2) A judge, clerk, or deputy clerk of any court of 606
record in the place in which the notarial act is performed; 607

~~(C)~~ (3) An officer of the foreign service of the United 608
States, a consular agent, or any other person authorized by 609
regulation of the United States department of state to perform 610
notarial acts in the place in which the act is performed; 611

~~(D)~~ (4) A commissioned officer in active service with the 612
armed forces of the United States and any other person 613
authorized by regulation of the armed forces to perform notarial 614
acts if the notarial act is performed for one of the following 615
or for a dependent of one of the following: 616

~~(1)~~ (a) A member of the merchant marines of the United 617
States; 618

~~(2)~~ (b) A member of the armed forces of the United States; 619

~~(3)~~ (c) Any other person serving with or accompanying the 620
armed forces of the United States. 621

~~(E)~~ (5) Any other person authorized to perform notarial 622
acts in the place in which the act is performed. 623

Sec. 147.52. (A) If the notarial act is performed by any 624
of the persons described in divisions (A) ~~to (D)~~ and (B) of 625
section 147.51 of the Revised Code, other than a person 626
authorized to perform notarial acts by the laws or regulations 627
of a foreign country, the signature, rank, or title and serial 628
number, if any, of the person are sufficient proof of the 629
authority of a holder of that rank or title to perform the act. 630
Further proof of ~~his~~ the person's authority is not required. 631

(B) If the notarial act is performed by a person 632
authorized by the laws or regulations of a foreign country to 633
perform the act, there is sufficient proof of the authority of 634
that person to act if: 635

(1) Either a foreign service officer of the United States 636
residing in the country in which the act is performed or a 637
diplomatic or consular officer of the foreign country residing 638
in the United States certifies that a person holding that office 639
is authorized to perform the act; 640

(2) The official seal of the person performing the 641
notarial act is affixed to the document; or 642

(3) The title and indication of authority to perform 643
notarial acts of the person appears either in a digest of 644
foreign law or in a list customarily used as a source of such 645
information. 646

(C) If the notarial act is performed by a person other 647
than one described in divisions (A) and (B) of this section, 648
there is sufficient proof of the authority of that person to act 649
if the clerk of a court of record in the place in which the 650
notarial act is performed certifies to the official character of 651
that person and to ~~his~~ that person's authority to perform the 652
notarial act. 653

(D) The signature and title of the person performing the 654
act are prima-facie evidence that ~~he~~ the person is a person with 655
the designated title and that the signature is genuine. 656

Sec. 147.53. (A) The person taking an acknowledgment shall 657
certify that: 658

~~(A) The~~ the person acknowledging appeared before ~~him~~ the 659
notary public and acknowledged ~~he executed~~ executing the 660
instrument. 661

~~(B) The person acknowledging was known to the person~~ 662
~~taking the acknowledgment, or that the person taking the~~ 663
~~acknowledgment had satisfactory evidence that the person~~ 664
~~acknowledging was the person described in and who executed the~~ 665
~~instrument~~ words in an acknowledgment notarial certificate 666
"acknowledged before me" mean that: 667

(1) The person acknowledging appeared before the person 668
taking the acknowledgment; 669

(2) The person acknowledging acknowledged executing the 670
instrument; 671

(3) In the case of: 672

(a) A natural person, the person executed the instrument 673
for the purposes therein stated; 674

(b) A corporation, the officer or agent acknowledged 675
holding the position or title set forth in the instrument and 676
certificate, the officer or agent signed the instrument on 677
behalf of the corporation by proper authority, and the 678
instrument was the act of the corporation for the purpose 679
therein stated; 680

(c) A limited liability company, the member, manager, or 681
agent acknowledged signing the instrument on behalf of the 682
limited liability company by proper authority and the member, 683
manager, or agent executed the instrument as the act of the 684
limited liability company for the purposes therein stated; 685

(d) A partnership, the partner or agent acknowledged 686
signing the instrument on behalf of the partnership by proper 687
authority and the partner or agent executed the instrument as 688
the act of the partnership for the purposes therein stated; 689

(e) A person acknowledging as principal by an attorney in 690
fact, the attorney in fact executed the instrument by proper 691
authority as the act of the principal for the purposes therein 692
stated; 693

(f) A person acknowledging as a public officer, trustee, 694
administrator, guardian, or other representative, the person 695
signed the instrument by proper authority and the person 696
executed the instrument in the capacity and for the purposes 697
stated. 698

(4) The person taking the acknowledgment either knew or 699
had satisfactory evidence that the person acknowledging was the 700
person named in the instrument or certificate. 701

Sec. 147.54. (A) The person executing a jurat shall 702
certify all of the following: 703

<u>(1) The signer appeared before the notary public;</u>	704
<u>(2) The notary public administered an oath or affirmation to the signer that the statement in the jurat is true and correct;</u>	705 706 707
<u>(3) The signer signed the document in the presence of the notary public.</u>	708 709
<u>(B) The oath or affirmation administered by the notary public to the signer of a jurat shall include one of the following questions, or substantially similar questions:</u>	710 711 712
<u>(1) "Do you solemnly swear that the statements in this document are true, so help you God?"</u>	713 714
<u>(2) "Do you affirm, under penalty of perjury, that the statements in this document are true?"</u>	715 716
Sec. 147.542. (A) A notary public shall provide a completed notarial certificate for every notarial act the notary public performs.	717 718 719
(B) If a notarial certificate incorrectly indicates the type of notarization performed, the notary public shall provide a correct certificate at no charge to the person signing in question.	720 721 722 723
(C) A jurat certificate shall state that an oath or affirmation was administered to the signer with regard to the notarial act. <u>The form of a notarial certificate used by a person whose authority is recognized under section 147.51 of the Revised Code shall be accepted in this state if any of the following apply:</u>	724 725 726 727 728 729
<u>(1) The notarial certificate is in a form prescribed by the laws or regulations of this state;</u>	730 731

(2) The notarial certificate is in a form prescribed by 732
the laws or regulations applicable in the place in which the 733
notarial act is performed; 734

(3) The certificate contains the words: 735

(a) "Acknowledged before me," or their substantial 736
equivalent, when taking an acknowledgment; 737

(b) "Sworn to and subscribed before me," "affirmed to and 738
subscribed before me," or their substantial equivalent, when 739
executing a jurat. 740

(D) (1) A notary public shall not use an acknowledgment 741
certificate with regard to a notarial act in which an oath or 742
affirmation has been administered. 743

(2) A notary public shall not use a jurat certificate with 744
regard to a notarial act in which an oath or affirmation has not 745
been administered. 746

(E) A certificate required under this section may be 747
provided through any of the following means: 748

(1) Preprinting on a notarial document; 749

(2) Ink stamp; 750

(3) Handwritten note; 751

(4) A separate, attached document. 752

(F) A notarial certificate shall show all of the following 753
information: 754

(1) The state and county venue where the notarization is 755
being performed; 756

(2) The wording of the acknowledgment or jurat in 757

question;	758
(3) The date on which the notarial act was performed;	759
(4) The signature of the notary, exactly as shown on the notary's commission;	760 761
(5) The notary's printed name, displayed below the notary's signature or inked stamp;	762 763
(6) The notary's notarial seal and commission expiration date;	764 765
(7) If an electronic document was signed in the physical presence of a notary and notarized pursuant to section 147.591 of the Revised Code, or if an online notarization was performed pursuant to sections 147.60 to 147.66 of the Revised Code, the certificate shall include a statement to that effect.	766 767 768 769 770
(G) A notary public may explain to a signer the difference between an acknowledgment and a jurat, but shall not, unless that notary is an attorney, advise the person on the type of notarial act that best suits a situation.	771 772 773 774
Sec. 147.591. (A) As used in this section, "electronic document," "electronic seal," "electronic signature," and "online notarization" have the same meanings as in section 147.60 of the Revised Code.	775 776 777 778
(B) (1) An electronic document that is signed in the physical presence of the notary public with an electronic signature and notarized with an electronic seal shall be considered an original document.	779 780 781 782
(2) Notwithstanding any other provision of the Revised Code to the contrary, a digital copy of a document executed electronically by the parties and acknowledged or sworn before a	783 784 785

notary acting pursuant to this section shall be accepted by 786
county auditors, clerks of courts of record, deputy registrars, 787
engineers, and recorders for purposes of approval, transfer, and 788
recording to the same extent as any other document that is 789
submitted by an electronic recording method and shall not be 790
rejected solely by reason of containing electronic signatures or 791
an electronic notarization, including an online notarization. 792

(3) A county auditor, clerk of a court of record, deputy 793
registrar, engineer, and recorder shall accept a printed 794
document that was executed electronically for purposes of 795
approval, transfer, and recording if that document contains an 796
attached authenticator certificate in the following, or a 797
substantially similar, format: 798

"AUTHENTICATOR CERTIFICATE 799

I certify and warrant that the foregoing and annexed paper 800
document being presented for record, to which this certification 801
is attached, represents a true, exact, complete, and unaltered 802
copy of the original electronic document. The county offices of 803
the auditor, treasurer, recorder, and others necessary to 804
effectuate the transfer and recording of the instrument shall be 805
entitled to rely on such certification and warranty for all 806
purposes. 807

_____ [signature of authenticator] 808

_____ [printed name of authenticator] 809

_____ [street address of authenticator] 810

_____ [city, state, zip code of 811
authenticator] 812

_____ [telephone number of 813

authenticator] 814

815

1

2

A State of _____)

B _____):ss

C County of _____)

The foregoing authenticator certificate was subscribed and 816

sworn to in my presence by _____ [printed 817

name of authenticator] on this ____ day of _____, 20__ 818

_____ 819

Notary Public" 820

(C) An authenticator certificate may not be signed or 821

notarized with an electronic signature or electronic seal, 822

either in person or through the use of an online notarization 823

system. 824

(D) Any notary public may obtain an electronic seal and an 825

electronic signature for the purposes of notarizing documents 826

under this section. 827

~~(D)~~ (E) A notary public shall comply with the provisions 828

of section 147.66 of the Revised Code pertaining to the 829

electronic seal and electronic signature. 830

Sec. 147.60. As used in this section and sections 147.61 831

to 147.66 of the Revised Code: 832

(A) "Appear in person" means being in the same physical 833

location as another person and being close enough to hear, 834
communicate with, and exchange tangible identification 835
credentials with that individual. "Appear in person" also means 836
being in a different location as another person and interacting 837
with that individual by means of live two-way, audio-video 838
communication. 839

(B) "Credential analysis" means a process or service 840
operating according to standards adopted by the secretary of 841
state under section 147.62 of the Revised Code through which a 842
third person affirms the validity of a government-issued 843
identification credential through review of public and 844
proprietary data sources. 845

(C) "Electronic" means relating to technology having 846
electrical, digital, magnetic, wireless, optical, 847
electromagnetic, or similar capabilities. 848

(D) "Electronic document" means information that is 849
created, generated, sent, communicated, received, or stored in 850
an electronic medium and is retrievable in perceivable form. 851

(E) "Electronic seal" means information within a notarized 852
electronic document to which all of the following apply: 853

(1) The information confirms the notary public's name, 854
jurisdiction, and commission expiration date. 855

(2) The information generally corresponds to the contents, 856
layout, and format of the notary public's seal for use on paper 857
documents, as required under section 147.04 of the Revised Code. 858

(F) "Electronic signature" means an electronic sound, 859
symbol, or process attached to or logically associated with an 860
electronic document and executed or adopted by a natural person 861
with the intent to sign the electronic document. 862

(G) "Identity proofing" means a process or service 863
operating according to standards adopted by the secretary of 864
state under section 147.62 of the Revised Code through which a 865
third person affirms the identity of a natural person through 866
the review of personal information from public and proprietary 867
data sources. 868

(H) "Notarial act" means the performance of a function 869
authorized under ~~sections 147.07 and section~~ 147.51 of the 870
Revised Code. "Notarial act" does not include the taking or 871
certifying of depositions. 872

(I) "Online notarization" means a notarial act performed 873
by means of live two-way video and audio conference technology 874
that conforms to the standards adopted by the secretary of state 875
under section 147.62 of the Revised Code. 876

(J) "Online notary public" means a notary public who has 877
been duly appointed and commissioned under section 147.01 of the 878
Revised Code and has received authorization by the secretary of 879
state under section 147.63 of the Revised Code to perform online 880
notarizations. 881

(K) "Principal" means a natural person whose electronic 882
signature is notarized in an online notarization, or the natural 883
person taking an oath or affirmation from the online notary 884
public. "Principal" does not include a natural person taking an 885
oath or giving an affirmation in the capacity of a witness for 886
the online notarization. 887

(L) "Remote presentation" means transmission to an online 888
notary public through live two-way video and audio conference 889
technology of an image of a government-issued identification 890
credential that is of sufficient quality to enable the online 891

notary public to identify the principal seeking the online 892
notary public's services and to perform credential analysis. 893

(M) "Territory of the United States" means the United 894
States, Puerto Rico, the United States Virgin Islands, and any 895
territory, insular possession, or other location subject to the 896
jurisdiction of the United States. 897

Sec. 147.99. ~~(A)~~ Whoever violates section 147.10 of the 898
Revised Code shall be fined not more than five hundred dollars. 899

~~(B) Whoever violates section 147.14 of the Revised Code 900
shall be fined not more than one hundred dollars or imprisoned 901
not more than thirty days, or both. 902~~

Sec. 1706.712. (A) After each constituent entity has 903
approved the agreement of merger, a certificate of merger shall 904
be signed on behalf of both of the following: 905

(1) Each constituent limited liability company, as 906
provided in division (A) of section 1706.17 of the Revised Code; 907

(2) Each other constituent entity, as provided in its 908
governing statute. 909

(B) A certificate of merger under this section shall 910
include all of the following: 911

(1) The name and form of each constituent entity, the 912
jurisdiction of its governing statute, and its registration 913
number, if any, as it appears on the records of the secretary of 914
state; 915

(2) The name and form of the surviving entity, the 916
jurisdiction of its governing statute, and, if the surviving 917
entity is created pursuant to the merger, a statement to that 918
effect; 919

(3) The date the merger is effective under the governing statute of the surviving entity; 920
921

(4) The name and mailing address of the person or entity that is to provide, in response to any written request made by a shareholder, partner, or other equity holder of a constituent entity, a copy of the agreement of merger. 922
923
924
925

~~(4)~~(5) If the surviving entity is to be created pursuant to the merger: 926
927

(a) If it will be a limited liability company, the limited liability company's articles of organization; 928
929

(b) If it will be an entity other than a limited liability company, any organizational document that creates the entity that is required to be in a public record. 930
931
932

~~(5)~~(6) If the surviving entity exists before the merger, any amendments provided for in the agreement of merger for the organizational document that created the entity that are in a public record; 933
934
935
936

~~(6)~~(7) A statement as to each constituent entity that the merger was approved as required by the entity's governing statute; 937
938
939

~~(7)~~(8) If the surviving entity is a foreign entity not authorized to transact business in this state, the street address of its statutory agent; 940
941
942

~~(8)~~(9) Any additional information required by the governing statute of any constituent entity. 943
944

(C) Each constituent limited liability company shall deliver the certificate of merger for filing in the office of the secretary of state. 945
946
947

(D) A merger becomes effective under sections 1706.71 to 1706.74 of the Revised Code as follows:	948 949
(1) If the surviving entity is a limited liability company, upon the later of the following:	950 951
(a) Compliance with division (C) of this section;	952
(b) As specified in the certificate of merger.	953
(2) If the surviving entity is not a limited liability company, as provided by the governing statute of the surviving entity.	954 955 956
Sec. 3376.01. As used in this chapter:	957
(A) <u>"Athlete agent" means an individual who holds a current and valid certificate of registration issued under section 4771.08 of the Revised Code or certificate of convenience issued under section 4771.09 of the Revised Code.</u>	958 959 960 961
(B) <u>"Institutional marketing associate" means any third-party entity that enters into a contract with, or otherwise acts on behalf of, a state institution of higher education, private college, or an institution's or college's intercollegiate athletics department. "Institutional marketing associate" does not include either of the following:</u>	962 963 964 965 966 967
(1) <u>A state institution of higher education, private college, athletic association, conference, or other group or organization with authority over intercollegiate athletics;</u>	968 969 970
(2) <u>A staff member, employee, officer, director, manager, or owner of any of the entities described under division (B)(1) of this section.</u>	971 972 973
(C) <u>"Official team activities" means all games, practices,</u>	974

exhibitions, scrimmages, team appearances, team photograph 975
sessions, sports camps sponsored by a state institution of 976
higher education or private college, and other team-organized 977
activities, regardless of whether the activity takes place on or 978
off campus, including individual photograph sessions and news 979
media interviews. 980

(D) "State institution of higher education" has the same 981
meaning as in section 3345.011 of the Revised Code. 982

~~(B)~~ (E) "Student-athlete" means an individual who is 983
eligible to participate in, participates in, or has participated 984
in intercollegiate athletics for a state institution of higher 985
education or private college. "Student-athlete" does not include 986
an individual who participates in intramural athletics at a 987
state institution of higher education or private college or who 988
participates in professional athletics. 989

(F) "Third-party entity" means any individual or entity, 990
including an athlete agent, other than a state institution of 991
higher education, private college, athletic association, 992
conference, or other group or organization with authority over 993
intercollegiate athletics. 994

(G) "Private college" has the same meaning as in section 995
3365.01 of the Revised Code. 996

Sec. 3376.02. (A) No state institution of higher education 997
or private college shall uphold any rule, requirement, standard, 998
or other limitation that prevents a ~~student~~ student-athlete of 999
that institution or college from fully participating in 1000
intercollegiate athletics because the ~~student earns~~ student- 1001
athlete does either of the following: 1002

(1) Earns compensation as a result of the use of the 1003

~~student's student-athlete's name, image, or likeness or any~~ 1004
~~other compensation related to the student-athlete's position on~~ 1005
~~the roster of an intercollegiate athletics team;~~ 1006

(2) Obtains professional representation from an athlete 1007
agent or attorney. 1008

(B) Earning compensation from the use of a student's 1009
student-athlete's name, image, or likeness, or obtaining 1010
professional representation from an athlete agent or attorney, 1011
shall not affect the ~~student's student-athlete's~~ scholarship 1012
eligibility or renewal. 1013

Sec. 3376.03. An athletic association, conference, or 1014
other group or organization with authority over intercollegiate 1015
athletics, ~~including the national collegiate athletic~~ 1016
~~association or its successor organization,~~ shall not do either 1017
any of the following: 1018

(A) Prevent a ~~student student-athlete~~ of a state 1019
institution of higher education or private college from fully 1020
participating in intercollegiate athletics because the ~~student~~ 1021
~~earns student-athlete~~ does either of the following: 1022

(1) Earns compensation as a result of the use of the 1023
student's student-athlete's name, image, or likeness or any 1024
other compensation related to the student-athlete's position on 1025
the roster of an intercollegiate athletics team; 1026

(2) Obtains professional representation from an athlete 1027
agent or attorney. 1028

(B) Prevent a state institution of higher education or 1029
private college from fully becoming a member of the athletic 1030
association, conference, or other group or organization or from 1031
participating in intercollegiate athletics sponsored by the 1032

athletic association, conference, or other group or organization 1033
because a ~~student-student-athlete~~ of that institution or college 1034
participating in intercollegiate athletics does either of the 1035
following: 1036

(1) ~~Uses~~ Earns compensation from the use of the student's- 1037
student-athlete's name, image, or likeness or any other 1038
compensation related to the student-athlete's position on the 1039
roster of an intercollegiate athletics team; 1040

(2) ~~Obtains professional representation in relation to~~ 1041
~~contracts or legal matters regarding opportunities to earn~~ 1042
~~compensation for use of the student's name, image, or likeness~~ 1043
from an athlete agent or attorney. 1044

(C) Consider a complaint, initiate an investigation, or 1045
take any adverse action against a state institution of higher 1046
education, private college, institutional marketing associate, 1047
or third-party entity for engaging in any conduct authorized 1048
under this chapter; 1049

(D) Penalize a state institution of higher education, 1050
private college, or student-athlete, or prevent the institution, 1051
college, or student-athlete from participating in 1052
intercollegiate athletics, because another individual or third- 1053
party entity whose purpose includes supporting or benefiting the 1054
institution, college, or student-athlete violates a rule or 1055
regulation of the athletic association, conference, or other 1056
group or organization that addresses compensation for use of a 1057
student-athlete's name, image, or likeness. 1058

(E) Prevent a state institution of higher education or 1059
private college from compensating a student-athlete for use of 1060
the student-athlete's name, image, or likeness or providing any 1061

other compensation related to the student-athlete's position on 1062
the roster of an intercollegiate athletics team; 1063

(F) Prevent a state institution of higher education, 1064
private college, institutional marketing associate, or third- 1065
party entity from identifying, creating, facilitating, 1066
negotiating, supporting, assisting with, engaging with, or 1067
otherwise enabling opportunities for a student-athlete to earn 1068
compensation for use of the student-athlete's name, image, or 1069
likeness. 1070

Sec. 3376.04. No state institution of higher education, 1071
private college, athletic association, conference, or other 1072
group or organization with authority over intercollegiate 1073
athletics shall do any of the following: 1074

~~(A) Provide a prospective student who intends to~~ 1075
~~participate in intercollegiate athletics with~~ Prevent a student- 1076
athlete from earning compensation in relation to the prospective 1077
~~student's~~ for use of the student-athlete's name, image, or 1078
likeness if the student-athlete earns that compensation in 1079
accordance with this chapter; 1080

~~(B) Prevent a student who resides in this state and~~ 1081
~~participates in intercollegiate athletics~~ student-athlete from 1082
obtaining professional representation in relation to contracts 1083
~~or legal matters regarding opportunities to be compensated for~~ 1084
~~use of the student's name, image, or likeness~~ from an athlete 1085
agent or attorney; 1086

~~(C) Interfere with or prevent a student~~ student-athlete 1087
from fully participating in intercollegiate athletics because 1088
the student student-athlete obtains professional representation 1089
~~in relation to contracts or legal matters regarding~~ 1090

~~opportunities to earn compensation for use of the student's-~~ 1091
~~name, image, or likeness from an athlete agent or attorney.~~ 1092

(D) Enter into, renew, or modify any agreement that 1093
prohibits a student-athlete from earning compensation for use of 1094
the student-athlete's name, image, or likeness while the 1095
student-athlete is engaged in activities that do not relate to 1096
academic, athletic department, or official team activities. 1097

Sec. 3376.06. (A) ~~As used in this section:-~~ 1098

~~(1) "Official team activities" means all games, practices,~~ 1099
~~exhibitions, scrimmages, team appearances, team photograph-~~ 1100
~~sessions, sports camps sponsored by the institution or college,~~ 1101
~~and other team-organized activities, regardless of whether the~~ 1102
~~activity takes place on or off campus, including individual-~~ 1103
~~photograph sessions and news media interviews.-~~ 1104

~~(2) "Student" means an individual enrolled at a state-~~ 1105
~~institution of higher education or private college who~~ 1106
~~participates in intercollegiate athletics.-~~ 1107

~~(B)~~ A state institution of higher education's or private 1108
college's contract with a ~~student~~ student-athlete shall not 1109
prevent the ~~student~~ student-athlete from using the ~~student's-~~ 1110
student-athlete's name, image, or likeness for a commercial 1111
purpose when the ~~student~~ student-athlete is not engaged in 1112
official team activities. 1113

~~(C)~~ (B) A ~~student~~ student-athlete shall not enter into a 1114
contract providing compensation to the ~~student~~ student-athlete 1115
for use of the ~~student's~~ student-athlete's name, image, or 1116
likeness that requires the ~~student~~ student-athlete to display a 1117
sponsor's product, or otherwise advertise for a sponsor, ~~during-~~ 1118
~~official team activities or any other time~~ if that requirement 1119

is in conflict with a provision of a contract to which a state 1120
institution of higher education or private college is a party. 1121

~~(D)(1)(C)(1)~~ A ~~student~~ student-athlete who intends to 1122
enter into a verbal or written contract providing compensation 1123
to the ~~student~~ student-athlete for use of the ~~student's~~ student- 1124
athlete's name, image, or likeness shall disclose the proposed 1125
contract to an official of the state institution of higher 1126
education or private college for review by the institution or 1127
college. The institution or college shall designate an official 1128
to whom the ~~student~~ student-athlete is to disclose the proposed 1129
contract. 1130

(2) If a state institution of higher education or private 1131
college identifies a conflict between the proposed verbal or 1132
written contract described in division ~~(D)(1)(C)(1)~~ of this 1133
section and any existing provisions of a contract to which the 1134
institution or college is a party, the institution or college 1135
shall communicate to the ~~student~~ student-athlete the relevant 1136
contract provision that is in conflict. The ~~student~~ student- 1137
athlete shall not enter into the proposed contract, but the 1138
~~student~~ student-athlete may negotiate a revision to the proposed 1139
contract to avoid the conflict. The revised proposed contract is 1140
subject to review by the institution or college to ensure 1141
compliance with this chapter. 1142

~~(E)(3)~~ Any contract, proposed contract, or related 1143
documentation disclosed to a state institution of higher 1144
education or private college under this section is confidential 1145
and not a public record for purposes of section 149.43 of the 1146
Revised Code. 1147

(D) A state institution of higher education or private 1148
college may establish reasonable policies or standards to 1149

address a ~~student's~~student-athlete's failure to provide the 1150
disclosure required under ~~division (D) (1) of~~ this section or any 1151
other failure to comply with the requirements of this chapter. 1152

Sec. 3376.07. A state institution of higher education, 1153
private college, athletic association, conference, or other 1154
group or organization with authority over intercollegiate 1155
athletics may prohibit a ~~student who participates in~~ 1156
~~intercollegiate athletics~~student-athlete from entering into a 1157
contract providing compensation to the ~~student~~student-athlete 1158
for use of the ~~student's~~student-athlete's name, image, or 1159
likeness if under the contract the ~~student's~~student-athlete's 1160
name, image, or likeness is associated with any of the 1161
following: 1162

(A) Any company that manufactures, markets, or sells, or 1163
brand that is associated with, a controlled substance, marihuana 1164
product, medical marijuana product, alcoholic product, tobacco 1165
product, electronic smoking device, vapor product, or product or 1166
device that consists of or contains nicotine that can be 1167
ingested into the body; 1168

(B) Any medical marijuana cultivator, processor, 1169
laboratory, or retail dispensary licensed under Chapter 3796. of 1170
the Revised Code or under the laws of another state; 1171

(C) Any business engaged in the sale, rental, or 1172
exhibition for any form of consideration of adult entertainment 1173
that is characterized by an emphasis on the exposure or display 1174
of sexual activity; 1175

(D) Any casino or entity that sponsors or promotes 1176
gambling activities; 1177

(E) Any other category of companies, brands, or types of 1178

contracts that are similar to those described in divisions (A) 1179
to (D) of this section that the institution or college 1180
communicates to the ~~student~~ student-athlete before the ~~student~~ 1181
student-athlete enrolls at the institution or college. 1182

Sec. 3376.08. Nothing in this chapter does any of the 1183
following: 1184

(A) Requires a state institution of higher education, 1185
private college, athletic association, conference, or other 1186
group or organization with authority over intercollegiate 1187
athletics to identify, create, facilitate, negotiate, or 1188
otherwise enable opportunities for a ~~student~~ student-athlete to 1189
earn compensation for use of the ~~student's~~ student-athlete's 1190
name, image, or likeness or any other compensation related to 1191
the student-athlete's position on the roster of an 1192
intercollegiate athletics team; 1193

(B) Establishes or grants to a ~~student~~ student-athlete any 1194
right to use the name, trademarks, services marks, logos, 1195
symbols, or any other intellectual property, regardless of 1196
whether the intellectual property is registered with the 1197
appropriate authority, that belong to a state institution of 1198
higher education, private college, athletic association, 1199
conference, or other group or organization with authority over 1200
intercollegiate athletics, to further the ~~student's~~ student- 1201
athlete's opportunities to earn compensation for use of the 1202
~~student's~~ student-athlete's name, image, or likeness or any 1203
other compensation related to the student-athlete's position on 1204
the roster of an intercollegiate athletics team; 1205

(C) Limits the rights of a state institution of higher 1206
education or private college to establish and enforce any of the 1207
following: 1208

(1) Academic standards, requirements, regulations, or obligations for its students <u>student-athletes</u> ;	1209 1210
(2) Team rules of conduct or other rules of conduct;	1211
(3) Standards or policies regarding the governance or operation of or participation in intercollegiate varsity athletics;	1212 1213 1214
(4) Disciplinary rules and standards generally applicable to all students of the institution or college.	1215 1216
<u>Sec. 3376.09. (A) A state institution of higher education or private college may do either of the following:</u>	1217 1218
<u>(1) Except as provided in division (B) of this section, compensate a student-athlete for use of the student-athlete's name, image, or likeness;</u>	1219 1220 1221
<u>(2) Provide money, assets, resources, opportunities, services, or other benefits to an institutional marketing associate or third-party entity to incentivize it to facilitate opportunities for a student-athlete to earn compensation for use of the student-athlete's name, image, or likeness.</u>	1222 1223 1224 1225 1226
<u>(B) No state institution of higher education or private college shall use any fees paid to the institution or college by or on behalf of students attending that institution or college to compensate a student-athlete for use of the student-athlete's name, image, or likeness.</u>	1227 1228 1229 1230 1231
<u>Sec. 3376.10. Except as authorized by a state institution of higher education or private college, no student-athlete, to further the student-athlete's opportunities to earn compensation for use of the student-athlete's name, image, or likeness, shall use any of the following that belong to the institution or</u>	1232 1233 1234 1235 1236

<u>college:</u>	1237
<u>(A) Facilities;</u>	1238
<u>(B) Equipment;</u>	1239
<u>(C) Apparel;</u>	1240
<u>(D) Uniforms;</u>	1241
<u>(E) Intellectual property, including logos, indicia,</u>	1242
<u>products protected by copyright, and registered or unregistered</u>	1243
<u>trademarks.</u>	1244
Sec. 3345.56 <u>3376.11</u>. Notwithstanding any provision of the	1245
Revised Code to the contrary, a student - <u>student-athlete</u>	1246
attending a state university as defined in section 3345.011 of	1247
the Revised Code - <u>institution of higher education or private</u>	1248
<u>college</u> is not an employee of the state university - <u>institution</u>	1249
<u>or college</u> based upon <u>either of the</u> student's - <u>following:</u>	1250
<u>(A) The student-athlete's participation in an athletic</u>	1251
program offered by the state university. - <u>institution or college;</u>	1252
<u>(B) The institution or college compensating the student-</u>	1253
<u>athlete for use of the student-athlete's name, image, or</u>	1254
<u>likeness.</u>	1255
Sec. <u>3376.12.</u> (A) <u>A student-athlete alleging that the</u>	1256
<u>student-athlete has been injured because a state institution of</u>	1257
<u>higher education, private college, athletic association,</u>	1258
<u>conference, or other group or organization with authority over</u>	1259
<u>intercollegiate athletics has violated this chapter may maintain</u>	1260
<u>an action in any court of competent jurisdiction to seek</u>	1261
<u>injunctive relief.</u>	1262
<u>(B) A state institution of higher education, private</u>	1263

college, institutional marketing associate, or third-party 1264
entity alleging that an athletic association, conference, or 1265
other group or organization with authority over intercollegiate 1266
athletics has subjected the institution, college, associate, or 1267
entity to any actual or threatened complaint, investigation, 1268
penalty, or other adverse action for engaging in any conduct 1269
authorized under this chapter may maintain an action in any 1270
court of competent jurisdiction to seek damages, injunctive 1271
relief, reasonable attorney's fees, or any other appropriate 1272
relief. 1273

(C) No state institution of higher education, private 1274
college, institutional marketing associate, or third-party 1275
entity is liable for any damages that result from a student- 1276
athlete's inability to earn compensation for use of the student- 1277
athlete's name, image, or likeness. 1278

(D) No employee of a state institution of higher 1279
education, private college, institutional marketing associate, 1280
or third-party entity is liable for any damages that result from 1281
a student-athlete's inability to earn compensation for use of 1282
the student-athlete's name, image, or likeness because of a 1283
decision or action that routinely occurs in the course of 1284
intercollegiate athletics. 1285

Sec. 3376.13. No student-athlete who is less than eighteen 1286
years of age shall enter into a contract that provides the 1287
student-athlete with compensation for use of the student- 1288
athlete's name, image, or likeness unless the contract includes 1289
the written consent of the student-athlete's parent, guardian, 1290
or custodian for the student-athlete to enter into the contract. 1291

Section 2. That existing sections 111.16, 147.01, 147.011, 1292
147.03, 147.032, 147.051, 147.07, 147.08, 147.141, 147.371, 1293

147.51, 147.52, 147.53, 147.542, 147.591, 147.60, 147.99, 1294
1706.712, 3345.56, 3376.01, 3376.02, 3376.03, 3376.04, 3376.06, 1295
3376.07, and 3376.08 of the Revised Code are hereby repealed. 1296

Section 3. That sections 147.13, 147.14, 147.54, 147.541, 1297
and 3376.05 of the Revised Code are hereby repealed. 1298

Section 4. Section 147.01 of the Revised Code is presented 1299
in this act as a composite of the section as amended by both 1300
H.B. 567 and S.B. 131 of the 134th General Assembly. The General 1301
Assembly, applying the principle stated in division (B) of 1302
section 1.52 of the Revised Code that amendments are to be 1303
harmonized if reasonably capable of simultaneous operation, 1304
finds that the composite is the resulting version of the section 1305
in effect prior to the effective date of the section as 1306
presented in this act. 1307