

As Introduced

**136th General Assembly
Regular Session
2025-2026**

H. B. No. 749

Representatives Roemer, Kishman

To amend sections 317.22 and 4735.141 and to enact 1
section 317.43 of the Revised Code regarding 2
deed and title fraud prevention. 3

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

Section 1. That sections 317.22 and 4735.141 be amended 4
and section 317.43 of the Revised Code be enacted to read as 5
follows: 6

Sec. 317.22. No deed of absolute conveyance of land or any 7
conveyance, absolute or otherwise, of minerals or mineral rights 8
shall be recorded by the county recorder until: 9

(A) The conveyance presented to the county recorder bears 10
the stamp of the county auditor stating the conveyance has been 11
examined and the grantor has complied with section 319.202 of 12
the Revised Code; 13

(B) Such conveyance has been presented to the county 14
auditor, and by the county auditor indorsed "transferred," or 15
"transfer not necessary." 16

(C) (1) Subject to division (C) (2) of this section, an 17
individual presenting a conveyance to the county recorder for 18
recording shall provide photo identification. 19

(2) The photo identification requirement in division (C) 20
(1) of this section does not apply to real estate agents or real 21
estate brokers licensed under Chapter 4735. of the Revised Code 22
or title insurance agents licensed under Chapter 3953. of the 23
Revised Code. 24

(3) As used in this section, "photo identification" means 25
a passport, driver's license, government-issued nondriver 26
identification card, or other form of government-issued 27
identification with the signature or photograph of the 28
individual, which is not expired. 29

Before any real estate, the title to which has passed 30
under the laws of descent, is transferred from the name of the 31
ancestor to the heir at law or next of kin of such ancestor, or 32
to any grantee of such heir or next of kin; and before any deed 33
or conveyance of real estate made by any such heir or next of 34
kin is presented to or filed for record by the recorder, the 35
heir or next of kin, or that person's grantee, agent, or 36
attorney shall present to the auditor the affidavit of such heir 37
or next of kin, or of two persons resident of this state, each 38
of whom has personal knowledge of the facts. Such affidavit 39
shall set forth the date of the ancestor's death, and the place 40
of residence at the time of death; the fact that the ancestor 41
died intestate; the names, ages, and addresses, so far as known 42
and can be ascertained, of each of such ancestor's heirs at law 43
and next of kin, who, by the ancestor's death, inherited such 44
real estate, the relationship of each to the ancestor, and the 45
part or portion of such real estate inherited by each. Such 46
transfers shall be made by the auditor in accordance with the 47
statement contained in the affidavit, and the auditor shall 48
indorse upon the deed or conveyance the fact that such transfer 49
was made by affidavit. The affidavit shall be filed with the 50

county recorder of the county in which such real estate is 51
situated, at or before the time such deed or conveyance is filed 52
with the county recorder, and shall be recorded by the county 53
recorder of the county in the official records and indexed in 54
the direct and reverse indexes in the county recorder's office, 55
in the name of such ancestor as grantor and of each such heir or 56
next of kin as grantee, in the same manner as if such names 57
occurred in a deed of conveyance from the ancestor to such heirs 58
at law. The county recorder shall receive the same fees for such 59
indexing and recording as provided by section 317.32 of the 60
Revised Code. 61

~~(C)~~(D) The record of such affidavit shall, in the trial of 62
any cause, so far as competent, be prima-facie evidence. 63

~~(D)~~(E) No county recorder shall record a conveyance if the 64
indorsement, indorsements, or stamps of indorsement of a county 65
auditor indicating compliance with section 319.202 of the 66
Revised Code on the conveyance are in whole or in part defaced, 67
illegible, or incomplete. 68

Sec. 317.43. (A) As used in this section, "evidence of 69
residence" means any of the following documents: 70

(1) A utility bill or receipt of utility installation 71
issued within ninety days of registration; 72

(2) A paycheck or paystub issued to the applicant within 73
ninety days of the date of application that includes the address 74
of the applicant's residence; 75

(3) The most current available bank statement issued to 76
the applicant that includes the address of the applicant's 77
residence; 78

(4) Any other official document issued to the applicant 79

that includes the address of the applicant's residence. The 80
county auditor shall develop guidelines for determining what 81
qualifies as an "official document" under this division. 82

(B) Each county auditor may establish and maintain a 83
property protection program that includes an automated system to 84
inform property owners by electronic mail, telephone, or mail 85
when a deed conveying title to a registered property is 86
presented to the county auditor for transfer. The system may be 87
run by a county or by a third-party vendor. 88

(C) (1) The county auditor shall prescribe a form for 89
registering a property with the program and for removing a 90
property from the program. The form shall require all of the 91
following information: 92

(a) The applicant's name, electronic mail address, and 93
telephone number; 94

(b) The parcel number and address of the property to be 95
registered with the program. 96

(2) A form shall be delivered in person to the office of 97
the county auditor along with photo identification and evidence 98
of residence. 99

(D) For twenty-four hours following notice by the property 100
protection program to the owner of a registered property, the 101
county auditor shall not transfer the registered property, 102
unless the owner subsequently authorizes the transfer. 103

(E) This section does not create a new cause of action or 104
substantive legal right against a county auditor. 105

Sec. 4735.141. (A) Except as otherwise provided in this 106
division and in section 4735.13 of the Revised Code and except 107

for a licensee who has placed the licensee's license in resigned 108
status pursuant to section 4735.142 of the Revised Code, each 109
person licensed under section 4735.07 or 4735.09 of the Revised 110
Code shall submit proof satisfactory to the superintendent of 111
real estate that the licensee has satisfactorily completed 112
thirty hours of continuing education, as prescribed by the Ohio 113
real estate commission pursuant to section 4735.10 of the 114
Revised Code, on or before the licensee's birthday occurring 115
three years after the licensee's date of initial licensure, and 116
on or before the licensee's birthday every three years 117
thereafter. The continuing education shall include at least one 118
hour of instruction focused on deed and title fraud prevention, 119
identification, response, and reporting. If the person is 120
licensed as a broker or broker on deposit, or acts as a 121
management level licensee, the continuing education shall 122
include a three-hour course on the duties of a principal broker 123
and other issues involved in operating a real estate brokerage. 124
The continuing education may be completed by either classroom 125
instruction or distance education. 126

Persons licensed as real estate salespersons who 127
subsequently become licensed real estate brokers shall continue 128
to submit proof of continuing education in accordance with the 129
time period established in this section. 130

The requirements of this section shall not apply to any 131
disabled licensee as provided in division (E) of this section. 132

Each licensee who is seventy years of age or older, within 133
a continuing education reporting period, shall submit proof 134
satisfactory to the superintendent of real estate that the 135
licensee has satisfactorily completed both of the following: 136

(1) A total of nine hours of continuing education, 137

including instruction in Ohio real estate law; recently enacted 138
state and federal laws affecting the real estate industry; 139
municipal, state, and federal civil rights law; ~~and~~ canons of 140
ethics for the real estate industry as adopted by the 141
commission; and at least one hour focused on deed and title 142
fraud prevention, identification, response, and reporting; 143

(2) If licensed as a broker, broker on deposit, or acting 144
as a management level licensee, a three-hour continuing 145
education course on the duties of a principal broker and other 146
issues involved in operating a real estate brokerage. 147

The continuing education may be completed by either 148
classroom instruction or distance education. The required proof 149
of completion shall be submitted on or before the licensee's 150
birthday that falls in the third year of that continuing 151
education reporting period. A licensee who is seventy years of 152
age or older whose license is in an inactive status is exempt 153
from the continuing education requirements specified in this 154
section. The commission shall adopt reasonable rules in 155
accordance with Chapter 119. of the Revised Code to carry out 156
the purposes of this paragraph. 157

(B) The continuing education requirements of this section 158
shall be completed in schools, seminars, and educational 159
institutions approved by the commission. Such approval shall be 160
given according to rules established by the commission under the 161
procedures of Chapter 119. of the Revised Code, and shall not be 162
limited to institutions providing two-year or four-year degrees. 163
Each school, seminar, or educational institution approved under 164
this division shall be open to all licensees on an equal basis. 165

(C) If the requirements of this section are not met by a 166
licensee within the period specified, the licensee's license 167

shall be suspended automatically without the taking of any 168
action by the superintendent. The superintendent shall notify 169
the licensee of the license suspension, and such notification 170
shall be sent by regular mail to the personal residence address 171
of the licensee that is on file with the division. Any license 172
so suspended shall remain suspended until it is reactivated by 173
the superintendent. No such license shall be reactivated until 174
it is established, to the satisfaction of the superintendent, 175
that the requirements of this section have been met. If the 176
requirements of this section are not met within twelve months 177
from the date the license was suspended, the license shall be 178
revoked automatically without the taking of any action by the 179
superintendent. 180

(D) If the license of a real estate broker is suspended 181
pursuant to division (C) of this section, the license of a real 182
estate salesperson associated with that broker correspondingly 183
is suspended pursuant to division (H) of section 4735.20 of the 184
Revised Code. A sole broker shall notify affiliated salespersons 185
of the suspension in writing within three days of receiving the 186
notice required by division (C) of this section. 187

(1) The suspended license of the associated real estate 188
salesperson shall be reactivated and no fee shall be charged or 189
collected for that reactivation if that broker subsequently 190
submits proof to the superintendent that the broker has complied 191
with the requirements of this section and requests that the 192
broker's license as a real estate broker be reactivated, and the 193
superintendent then reactivates the broker's license as a real 194
estate broker. 195

(2) If the real estate salesperson submits an application 196
to leave the association of the suspended broker in order to 197

associate with a different broker, the suspended license of the 198
associated real estate salesperson shall be reactivated and no 199
fee shall be charged or collected for that reactivation. The 200
superintendent may process the application regardless of whether 201
the licensee's license is returned to the superintendent. 202

Any person whose license is reactivated pursuant to this 203
division shall comply with the requirements of this section and 204
otherwise be in compliance with this chapter. 205

(E) Any licensee who is a disabled licensee at any time 206
during the last three months of the third year of the licensee's 207
continuing education reporting period may receive an extension 208
of time as deemed appropriate by the superintendent to submit 209
proof to the superintendent that the licensee has satisfactorily 210
completed the required thirty hours of continuing education. To 211
receive an extension of time, the licensee shall submit a 212
request to the division of real estate for the extension and 213
proof satisfactory to the commission that the licensee was a 214
disabled licensee at some time during the last three months of 215
the three-year reporting period. The proof shall include, but is 216
not limited to, a signed statement by the licensee's attending 217
physician describing the disability, certifying that the 218
licensee's disability is of such a nature as to prevent the 219
licensee from attending any instruction lasting at least three 220
hours in duration, and stating the expected duration of the 221
disability. The licensee shall request the extension and provide 222
the physician's statement to the division no later than one 223
month prior to the end of the licensee's three-year continuing 224
education reporting period, unless the disability did not arise 225
until the last month of the three-year reporting period, in 226
which event the licensee shall request the extension and provide 227
the physician's statement as soon as practical after the 228

occurrence of the disability. A licensee granted an extension 229
pursuant to this division who is no longer a disabled licensee 230
and who submits proof of completion of the continuing education 231
during the extension period, shall submit, for future continuing 232
education reporting periods, proof of completion of the 233
continuing education requirements according to the schedule 234
established in division (A) of this section. 235

(F) The superintendent shall not renew a license if the 236
licensee fails to comply with this section, and the licensee 237
shall be required to pay the penalty fee provided in section 238
4735.14 of the Revised Code. 239

(G) A licensee shall submit proof of completion of the 240
required continuing education with the licensee's notice of 241
renewal. The proof shall be submitted in the manner provided by 242
the superintendent. 243

Section 2. That existing sections 317.22 and 4735.141 of 244
the Revised Code are hereby repealed. 245

Section 3. The amendment by this act of section 4735.141 246
of the Revised Code takes effect six months after the effective 247
date of this section. 248