

As Reported by the House Civil Justice Committee

132nd General Assembly

Regular Session

2017-2018

Am. H. B. No. 52

Representative Rezabek

Cosponsors: Representatives Butler, Hughes, Manning

A BILL

To amend section 1345.99 and to enact section 1
1345.032 of the Revised Code to regulate the 2
solicitation of certain deeds. 3

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

Section 1. That section 1345.99 be amended and section 4
1345.032 of the Revised Code be enacted to read as follows: 5

Sec. 1345.032. (A) As used in this section: 6

(1) "Deed" means a written instrument entitled to be 7
recorded in the office of the county recorder of the county in 8
which the subject property is situated that purports to convey 9
or transfer title in fee simple of real property in this state. 10
"Deed" includes a leasehold interest for ninety-nine years or 11
more. "Deed" does not include instruments providing for any of 12
the following: 13

(a) Common driveways; 14

(b) Exchanges of easements or rights-of-way; 15

(c) Revocable licenses to use, adjust, or clear defects of 16
or clouds on title; 17

<u>(d) Utility service lines such as drainage, sewerage,</u>	18
<u>water, electric, telephone, or other such service lines;</u>	19
<u>(e) Quitclaim of possible outstanding interests.</u>	20
<u>(2) "Public body" means any township, county, municipal</u>	21
<u>corporation, commission, district, authority, other subdivision,</u>	22
<u>or public body of this state.</u>	23
<u>(3) "Solicit" means to advertise or market to a person</u>	24
<u>with whom the solicitor has no pre-existing business</u>	25
<u>relationship.</u>	26
<u>(B) (1) A supplier soliciting a fee for providing a copy of</u>	27
<u>a deed or a free copy of a deed in connection with the</u>	28
<u>solicitation for any other service or product shall state on the</u>	29
<u>top of the document used for the solicitation, in at least</u>	30
<u>twenty-four-point type, all of the following:</u>	31
<u>(a) That the solicitation is not from a public body;</u>	32
<u>(b) That no action is legally required by the person being</u>	33
<u>solicited;</u>	34
<u>(c) The statutory fee for, or the cost of, obtaining a</u>	35
<u>copy of the deed from the county recorder who has custody of the</u>	36
<u>deed;</u>	37
<u>(d) The information necessary to contact that county</u>	38
<u>recorder;</u>	39
<u>(e) The name and physical address of the person soliciting</u>	40
<u>the fee.</u>	41
<u>(2) The document used for a solicitation under this</u>	42
<u>section shall not be in a form or use deadline dates or other</u>	43
<u>language that makes the document appear to be a document issued</u>	44

by a public body or that appears to impose a legal duty on the 45
person being solicited. 46

(3) A supplier soliciting a fee for providing a copy of a 47
deed shall not charge a fee of more than four times the fee 48
charged by the county recorder for a copy of that deed pursuant 49
to section 317.32 of the Revised Code. 50

(C) A supplier soliciting a fee for providing a copy of a 51
deed shall furnish to the office of the county recorder of each 52
county where the solicitations are to be distributed a copy of 53
the document that will be used for those solicitations not less 54
than fifteen days before distributing the solicitations. 55

(D) This section shall not apply to any of the following: 56

(1) A title insurance company authorized to do business in 57
this state or its authorized agent; 58

(2) A mortgage loan originator, mortgage broker, lender, 59
or servicer or a depository financial institution authorized 60
under state and federal law to originate or service mortgage 61
loans; 62

(3) A real estate broker or salesperson licensed under 63
Chapter 4735. of the Revised Code. 64

(E) The attorney general may adopt rules in accordance 65
with Chapter 119. of the Revised Code specifying the contents 66
and form of the solicitation document. 67

(F) A violation of division (B) or (C) of this section 68
shall be considered an unconscionable consumer sales act or 69
practice under section 1345.03 of the Revised Code. 70

Sec. 1345.99. (A) Whoever violates section 1345.23 or 71
1345.24 of the Revised Code is guilty of a minor misdemeanor. 72

(B) Whoever violates division (C) of section 1345.30 or 73
division (D) of section 1345.76 of the Revised Code shall be 74
fined not more than one thousand dollars. 75

(C) Whoever knowingly violates division (E) of section 76
1345.02 or knowingly violates section 1345.18 of the Revised 77
Code is guilty of a misdemeanor of the third degree for a first 78
offense and a misdemeanor of the second degree for any 79
subsequent offense. 80

(D) Whoever recklessly violates section 1345.032 of the 81
Revised Code shall be fined the following: 82

(1) For the first violation, not more than one hundred 83
dollars for each solicitation document distributed; 84

(2) For any subsequent violation, not more than two 85
hundred dollars for each solicitation document distributed. 86

Section 2. That existing section 1345.99 of the Revised 87
Code is hereby repealed. 88