

# AN ACT

To amend sections 109.572, 147.01, 147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 147.51, 147.55, 2303.20, 4505.11, 4735.01, and 4738.021, to enact sections 147.011, 147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 147.62, 147.63, 147.631, 147.64, 147.65, 147.66, and 4735.023 and to repeal sections 147.02 and 147.09 of the Revised Code to enact the Notary Public Modernization Act, to create the National Motor Vehicle Title Information System Utilization Study Committee, to limit the circumstances under which a clerk of court may issue salvage certificates of title until January 1, 2021, to make changes to the law related to motor vehicle salvage data collection, and to revise Ohio law regarding oil and gas land professionals.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That sections 109.572, 147.01, 147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 147.51, 147.55, 2303.20, 4505.11, 4735.01, and 4738.021 be amended and sections 147.011, 147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 147.62, 147.63, 147.631, 147.64, 147.65, 147.66, and 4735.023 of the Revised Code be enacted to read as follows:

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession

offense;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(1)(a) of this section;

(c) If the request is made pursuant to section 3319.39 of the Revised Code for an applicant who is a teacher, any offense specified in section 3319.31 of the Revised Code.

(2) On receipt of a request pursuant to section 3712.09 or 3721.121 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check of the person for whom the request is made. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,

2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(3)(a) to (c) of this section;

(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A)(3)(a) to (d) of this section.

(4) On receipt of a request pursuant to section 2151.86 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(4)(a) of this section.

(5) Upon receipt of a request pursuant to section 5104.013 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates

that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2151.421, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.02 or 2923.03 of the Revised Code that relates to a crime specified in this division, or a second violation of section 4511.19 of the Revised Code within five years of the date of application for licensure or certification.

(b) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in division (A)(5)(a) of this section.

(6) Upon receipt of a request pursuant to section 5153.111 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(b) A violation of an existing or former law of this state, any other state, or the United States

that is substantially equivalent to any of the offenses listed in division (A)(6)(a) of this section.

(7) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

(10) On receipt of a request pursuant to section 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any criminal offense under any existing or former law of this state, any other state, or the United States.

(11) On receipt of a request for a criminal records check from an appointing or licensing authority under section 3772.07 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any offense under any existing or former law of this state, any other state, or the United States that is a disqualifying offense as defined in section 3772.07 of the Revised Code or substantially equivalent to such an offense.

(12) On receipt of a request pursuant to section 2151.33 or 2151.412 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person for whom a criminal records check is required under that section. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(12)(a) of this section.

(13) On receipt of a request pursuant to section 3796.12 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.03 of the Revised Code if the person who is the subject of the request is an administrator or

other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under division (B)(2)(b) of section 3796.04 of the Revised Code if the person who is the subject of the request is an administrator or other person responsible for the daily operation of, or an owner or prospective owner, officer or prospective officer, or board member or prospective board member of, an entity seeking a license from the state board of pharmacy under Chapter 3796. of the Revised Code.

(14) On receipt of a request required by section 3796.13 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to the following:

(a) A disqualifying offense as specified in rules adopted under division (B)(8)(a) of section 3796.03 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the department of commerce under Chapter 3796. of the Revised Code;

(b) A disqualifying offense as specified in rules adopted under division (B)(14)(a) of section 3796.04 of the Revised Code if the person who is the subject of the request is seeking employment with an entity licensed by the state board of pharmacy under Chapter 3796. of the Revised Code.

(15) On receipt of a request for a criminal records check under section 147.022 of the Revised Code, a completed form prescribed under division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner prescribed in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty or no contest to any disqualifying offense, as defined in section 147.011 of the Revised Code, or to any offense under any existing or former law of this state, any other state, or the United States that is substantially equivalent to such a disqualifying offense.

(B) Subject to division (F) of this section, the superintendent shall conduct any criminal records check to be conducted under this section as follows:

(1) The superintendent shall review or cause to be reviewed any relevant information gathered and compiled by the bureau under division (A) of section 109.57 of the Revised Code that relates to the person who is the subject of the criminal records check, including, if the criminal records check was requested under section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any

information it has with respect to the person who is the subject of the criminal records check, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86 or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau. If a request under section 3319.39 of the Revised Code asks only for information from the federal bureau of investigation, the superintendent shall not conduct the review prescribed by division (B)(1) of this section.

(3) The superintendent or the superintendent's designee may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code.

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), ~~or (14)~~, or (15) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C)(1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C)(2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A)(3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A)(3) of this section to conduct the criminal records check, sixty.

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is to be conducted under this section. Any person for whom a records check is to be conducted under this section shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check under this section. The person requesting the criminal records check shall pay the fee prescribed pursuant to this division. In the case of a request under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2151.412, or



5164.34 of the Revised Code, the fee shall be paid in the manner specified in that section.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but not be limited to, an electronic method.

(D) The results of a criminal records check conducted under this section, other than a criminal records check specified in division (A)(7) of this section, are valid for the person who is the subject of the criminal records check for a period of one year from the date upon which the superintendent completes the criminal records check. If during that period the superintendent receives another request for a criminal records check to be conducted under this section for that person, the superintendent shall provide the results from the previous criminal records check of the person at a lower fee than the fee prescribed for the initial criminal records check.

(E) When the superintendent receives a request for information from a registered private provider, the superintendent shall proceed as if the request was received from a school district board of education under section 3319.39 of the Revised Code. The superintendent shall apply division (A)(1)(c) of this section to any such request for an applicant who is a teacher.

(F)(1) Subject to division (F)(2) of this section, all information regarding the results of a criminal records check conducted under this section that the superintendent reports or sends under division (A)(7) or (9) of this section to the director of public safety, the treasurer of state, or the person, board, or entity that made the request for the criminal records check shall relate to the conviction of the subject person, or the subject person's plea of guilty to, a criminal offense.

(2) Division (F)(1) of this section does not limit, restrict, or preclude the superintendent's release of information that relates to the arrest of a person who is eighteen years of age or older, to an adjudication of a child as a delinquent child, or to a criminal conviction of a person under eighteen years of age in circumstances in which a release of that nature is authorized under division (E)(2), (3), or (4) of section 109.57 of the Revised Code pursuant to a rule adopted under division (E)(1) of that section.

(G) As used in this section:

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

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

(B) In order for a person to qualify to be appointed and commissioned as a notary public, the person ~~must satisfy both~~ shall demonstrate to the secretary of state that the person satisfies all of the following:

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

(2) ~~One of the following applies:~~

(a) ~~The~~ Except as provided in division (B)(2)(b) of this section, the person is a legal resident of this state who is not an attorney admitted to the practice of law in this state by the Ohio supreme court.

(b) ~~The person is a legal resident of this state who is an attorney admitted to the practice of law in this state by the Ohio supreme court.~~

(e) ~~The person is not a legal resident of this state, but is an attorney admitted to the practice of law in this state by the Ohio supreme court, and has the person's principal place of business or the person's primary practice in this state.~~

(3)(a) Except as provided in division (B)(3)(b) of this section, the person has submitted a criminal records check report completed within the preceding six months in accordance with section 147.022 of the Revised Code demonstrating that the applicant has not been convicted of or pleaded guilty or no contest to a disqualifying offense, or any offense under an existing or former law of this state, any other state, or the United States that is substantially equivalent to such a disqualifying offense.

(b) An attorney admitted to the practice of law in this state shall not be required to submit a criminal records check when applying to be appointed a notary public.

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

(b) An attorney who is commissioned as a notary public in this state prior to the effective date of this amendment shall not be required to complete an education program or pass a test as required in division (B)(4)(a) of this section.

(c) Any attorney who applies to become commissioned as a notary public in this state after the effective date of this amendment shall not be required to pass a test as required in division (B)(4)(a) of this section, but shall be required to complete an education program required by that division.

(C) A notary public shall be appointed and commissioned as a notary public for the state. The secretary of state may revoke a commission issued to a notary public upon presentation of satisfactory evidence of official misconduct or incapacity.

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

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

Sec. 147.011. As used in this chapter:

(A) "Acknowledgment" means a notarial act in which the signer of the notarized document acknowledges all of the following:

- (1) That the signer has signed the document;
- (2) That the signer understands the document;
- (3) That the signer is aware of the consequences of executing the document by signing it.

(B) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(C) "Disqualifying offense" means a crime of moral turpitude as defined in section 4776.10 of the Revised Code and a violation of a provision of Chapter 2913. of the Revised Code.

(D) "Jurat" means a notarial act in which both of the following are met:

(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;

(2) The signer signs the notarized document in the presence of a notary public.

(E) "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.

Sec. 147.021. (A)(1) Except as provided in division (B)(4) of section 147.01 of the Revised Code, no person shall be appointed as a notary public unless that person has completed an educational program related to the requirements of this chapter and passed a test demonstrating knowledge of such requirements.

(2) The secretary of state may authorize that such a program be completed online.

(B) The secretary of state shall adopt, in rules under Chapter 119. of the Revised Code, standards and curricula for the educational program required under this section. The rules shall address all of the following:

(1) The entities authorized to administer the educational program and the required test, which shall include the following entities that meet the minimum requirements established by the secretary of state:

(a) Those entities providing notary public educational programming and testing services prior to the effective date of this section;

(b) Another entity that has a business relationship with an entity described in division (B)(1) (a) of this section.

(2) The standards and curricula of the program, which shall be established in coordination with the entities authorized to administer the program and the required test and shall include all of the following:

(a) The terms of notary commission;

(b) How to renew a commission;

(c) The conditions under which a commission may be revoked;

(d) What constitutes a legal notarial act;

(e) The manner of taking depositions;

(f) The taking of an acknowledgment;

(g) The administration of a jurat.

(3) The provisions and content of the required test, which shall be established in coordination

with the entities authorized to administer the educational program and required test.

Sec. 147.022. (A)(1) The secretary of state shall require each applicant for a notary commission, other than an attorney licensed to practice law in this state, to complete a criminal records check.

(2) The secretary shall not accept an application for a notary commission that includes the report of a criminal records check that is more than six months old.

(B) The secretary of state shall provide to each person applying for a notary commission, other than an attorney admitted to the practice of law in this state, information about accessing, completing, and forwarding to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section.

(C) Each person requesting a criminal records check under this section shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

- (1) The person who is the subject of the criminal records check or the person's representative;
- (2) The secretary of state and the staff of the secretary of state;
- (3) A court, hearing officer, or other necessary individual involved in a case dealing with a commission denial resulting from the criminal records check.

(E) The secretary of state shall deny a notary commission application if, after receiving the information and notification required by this section, a person subject the criminal records check requirement fails to do either of the following:

- (1) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;
- (2) Submit the completed report of the criminal records check to the secretary of state.

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

A notary public who violates the oath of office required by this section shall be removed from office by the ~~court of common pleas of the county in which the notary public resides~~ secretary of state, upon complaint filed and substantiated ~~in the court, and the court, upon removing a notary public from office, shall certify the removal to~~ by the secretary of state. The person so removed shall

be ineligible for reappointment to the office of notary public.

Sec. 147.031. (A)(1) Except as provided in division (A)(2) of this section, a commission for a notary public appointed prior to the effective date of this section shall remain valid until that commission's expiration date.

(2) A commission issued to an attorney shall be governed by section 147.03 of the Revised Code.

(B) A commission that is set to expire as described in section 147.03 of the Revised Code or as in division (A) of this section shall not be renewed unless the notary submits to the secretary of state through the entities authorized in section 147.021 of the Revised Code all of the following:

(1) A new criminal records check report as required under division (B)(3) of section 147.01 of the Revised Code;

(2) A fee of not more than sixty dollars, set by the secretary of state in a rule adopted under Chapter 119. of the Revised Code;

(3) An application for renewal on a form prescribed by the secretary.

(C) A notary public may apply to renew the notary's commission beginning three months prior to the expiration date of the commission.

(D) If the notary public's commission expires before the notary submits the application for renewal, the secretary of state shall not renew that expired commission but shall permit the person to apply for a new notary commission.

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

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

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

(C) After holding an administrative hearing and concluding that a violation of this chapter has occurred, the secretary of state may do any of the following:

(1) Revoke the notary public's commission;

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

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

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

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

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

Sec. 147.04. Before entering upon the discharge of his official duties, a notary public shall provide himself with obtain the seal of a notary public. The seal shall consist of the coat of arms of the state within a circle that is at least three-quarters of an inch, but not larger than one inch, in diameter and shall be surrounded by the words "notary public," "notarial seal," or words to that

effect, the name of the notary public, and the words "State of Ohio." The seal may be of either a type that will stamp ink onto a document or one that will emboss it. The name of the notary public may, instead of appearing on the seal, be printed, typewritten, or stamped in legible, printed letters near ~~his~~ the notary public's signature on each document signed by ~~him~~ the notary public. ~~A notary public shall also provide himself with an official register in which shall be recorded a copy of every certificate of protest and copy of note, which seal and record shall be exempt from execution. Upon the death, expiration of term without reappointment, or removal from office of any notary public, his official register shall be deposited in the office of the county recorder of the county in which he resides.~~

Sec. 147.041. A person commissioned as a notary public prior to the effective date of this section may continue to use a seal that met the requirements of section 147.04 of the Revised Code and that was in that person's possession before that date.

~~Sec. 147.05. (A) Before entering upon the duties of the office of notary public, a notary public shall leave the notary public's commission with the oath endorsed on the commission with the clerk of the court of common pleas of the county in which the notary public resides. The clerk shall record the commission in a book kept for that purpose. The clerk shall endorse on the margin of the record and on the back of the commission the time that the clerk received the commission for record and make a proper index to all commissions so recorded. For recording and indexing a commission, the fee of the clerk shall be as provided in division (R) of section 2303.20 of the Revised Code.~~

~~(B) The secretary of state shall maintain a record of the commissions of each notary public appointed and commissioned by the secretary of state under this chapter and make a proper index to that record.~~

The governor's office shall transfer to the secretary of state's office, on or after June 6, 2001, the record of notaries public formerly kept by the governor's office under section 107.10 of the Revised Code. The secretary of state's office shall maintain that record together with the record and index of commissions of notaries public required by this division.

~~(C) (B) If a notary public legally changes the notary public's name or address after having been commissioned as a notary public, the notary public shall notify the secretary of state and the appropriate clerk of courts within thirty days after the name or address change. Notification to the secretary of state. Such a notification shall be on a form prescribed by the secretary of state.~~

~~(D) (C) A notary, other than an attorney, who resigns the person's commission shall deliver to the secretary of state, on a form prescribed by the secretary of state, a written notice indicating the effective date of resignation.~~

(D)(1) A notary shall inform the secretary of state of being convicted of or pleading guilty or no contest to any disqualifying offense, as defined in section 147.011 of the Revised Code, or any offense under an existing or former law of this state, any other state, or the United States that is substantially equivalent to such a disqualifying offense during the term of the notary's commission.

(2) The secretary of state shall revoke the commission of any person who is convicted of or pleads guilty or no contest to a disqualifying offense, including an attorney licensed to practice law in this state.

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

(A) A verification of the authority and good standing of the individual to perform notarial acts;

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

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

Sec. 147.06. Upon application, the ~~clerk of the court of common pleas~~ secretary of state shall make a certified copy of a notary public commission and the endorsements on the commission, ~~under the seal of the court~~. The certified copy shall be prima-facie evidence of the matters and facts contained in it. For each certified copy of a notary public commission, the ~~clerk~~ secretary of state shall be entitled to receive a fee of ~~two~~ five dollars.

Sec. 147.07. A notary public may, throughout the state, administer oaths required or authorized by law, take and certify depositions, and take and certify acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments of writing, ~~and receive, make, and record notarial protests~~. In taking depositions, ~~he a notary public~~ shall have the power that is by law vested in judges of county courts to compel the attendance of witnesses and punish them for refusing to testify. Sheriffs and constables are required to serve and return all process issued by notaries public in the taking of depositions.

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

~~(A) For the protest of a bill of exchange or promissory note, one dollar and actual necessary expenses in going beyond the corporate limits of a municipal corporation to make presentment or demand;~~

~~(B) For recording an instrument required to be recorded by a notary public, ten cents for each one hundred words;~~

~~(C) For taking and certifying acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments of writing, and for taking and certifying depositions, administering oaths, and other official services, the same fees as are allowed by section 2319.27 of the Revised Code or by law to clerks of the courts of common pleas for like services;~~

~~(D) For taking and certifying an affidavit, one dollar and fifty cents:~~

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

~~(2) For an online notarization, up to twenty-five dollars.~~

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

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

(D) In addition to the fees authorized under division (A) of this section, a notary may charge a reasonable travel fee, as agreed to by the notary and the principal prior to the notarial act.

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

Sec. 147.13. A notary public who charges or receives for an act or service done or rendered by the notary public a fee greater than the amount prescribed by law, or who dishonestly or unfaithfully discharges any official duties as notary public, shall be removed from office by the ~~court of common pleas of the county in which the notary public resides~~ secretary of state, upon complaint

filed and substantiated ~~in the court. The court shall certify the removal to~~ by the secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public.

Sec. 147.14. No notary public shall certify to the affidavit of a person without administering the appropriate oath or affirmation to the person. A notary public who violates this section shall be removed from office by ~~the court of common pleas of the county in which a conviction for a violation of this section is had. The court shall certify the removal to~~ the secretary of state. The person so removed shall be ineligible to reappointment for a period of three years.

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

- (1) Perform a notarial act with regard to a record or document executed by the notary;
- (2) Notarize the notary's own signature;
- (3) Take the notary's own deposition;
- (4) Perform a notarial act if the notary has a conflict of interest with regard to the transaction in question;
- (5) Certify that a document is either of the following:
  - (a) An original document;
  - (b) A true copy of another record.
- (6) Use a name or initial in signing certificates other than that by which the notary public is commissioned;
- (7) Sign notarial certificates using a facsimile signature stamp unless the notary public has a physical disability that limits or prohibits the notary's ability to make a written signature and unless the notary has first submitted written notice to the secretary of state with an example of the facsimile signature stamp;
- (8) Affix the notary's signature to a blank form of an affidavit or certificate of acknowledgment and deliver that form to another person with the intent that it be used as an affidavit or acknowledgment;
- (9) Take the acknowledgment of, or administer an oath or affirmation to, a person who the notary public knows to have been adjudicated mentally incompetent by a court of competent jurisdiction, if the acknowledgment or oath or affirmation necessitates the exercise of a right that has been removed;
- (10) Notarize a signature on a document if it appears that the person is mentally incapable of understanding the nature and effect of the document at the time of notarization;
- (11) Alter anything in a written instrument after it has been signed by anyone;
- (12) Amend or alter a notarial certificate after the notarization is complete;
- (13) Notarize a signature on a document if the document is incomplete or blank;
- (14) Notarize a signature on a document if it appears that the signer may be unduly influenced or coerced so as to be restricted from or compromised in exercising the person's own free will when signing the document;
- (15) Take an acknowledgment of execution in lieu of an oath or affirmation if an oath or affirmation is required;
- (16) Determine the validity of a power of attorney document or any other form designating a representative capacity, such as trustee, authorized officer, agent, personal representative, or guardian, unless that notary is an attorney licensed to practice law in this state.



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

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

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

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

Sec. 147.142. (A) A notary public who is not a licensed attorney in this state shall not represent or advertise himself or herself as an immigration consultant or an expert in immigration matters.

(B) A notary public who is not a licensed attorney in this state shall not do any of the following:

(1) Provide any service that constitutes the unauthorized practice of law in violation of section 4705.07 of the Revised Code;

(2) State or imply that the notary is an attorney licensed to practice law in this state;

(3) Solicit or accept compensation to prepare documents for or otherwise represent the interest of another person in a judicial or administrative proceeding, including a proceeding relating to immigration to the United States, United States citizenship, or related matters;

(4) Solicit or accept compensation to obtain relief of any kind on behalf of another from any officer, agency, or employee of this state or of the United States;

(5) Use the phrase "notario" or "notario publico" to advertise the services of a notary public, whether by sign, pamphlet, stationery, or other written communication, or by radio, television, or other non-written communication.

~~Sec. 147.37. Each person receiving a commission as notary public, including an attorney admitted to the practice of law in this state by the Ohio supreme court, shall pay (A) The secretary of state shall establish a fee of fifteen not more than one hundred fifty dollars to the secretary of state be paid by each person receiving a commission as notary public.~~

(B) The notary public shall remit the fee to the authorized entity that administered the educational program and test required by section 147.021 of the Revised Code. The notary public shall remit to the secretary of state the portion of that fee specified pursuant to division (C)(2) of this section.

(C) The secretary of state shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:

(1) Establish the amount of the fee authorized by division (A) of this section;

(2) Establish the portion of the fee, not to exceed fifteen dollars, that the notary public is required to remit to the secretary of state;

(3) Establish the portion of the fee that a notary who is an attorney shall remit to the entity that administered the educational program.

Sec. 147.371. (A) Upon receipt of a fee of two dollars and an affidavit that the original commission of a notary public has been lost or destroyed, a duplicate commission as notary public shall be issued by the secretary of state.

(B) Upon receipt of a fee of two dollars and the properly completed, prescribed form for a name and address change under division ~~(C)~~(B) of section 147.05 of the Revised Code, the secretary of state shall issue a duplicate commission as a notary public.

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

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

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

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

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

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

(1) A member of the merchant-seaman marines of the United States;

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

(3) Any other person serving with or accompanying the armed forces of the United States;

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

Sec. 147.542. (A) A notary public shall provide a completed notarial certificate for every notarial act the notary public performs.

(B) For an acknowledgment and a jurat, the corresponding notarial certificate shall indicate the type of notarization being performed.

(C) 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.

(D)(1) An acknowledgment certificate shall clearly state that no oath or affirmation was administered to the signer with regard to the notarial act.

(2) A jurat certificate shall clearly state that an oath or affirmation was administered to the signer with regard to the notarial act.

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

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

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

(1) Preprinting on a notarial document;

(2) Ink stamp;

(3) Handwritten note;

(4) A separate, attached document.

(G) A notarial certificate shall show all of the following information:

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

(2) The wording of the acknowledgment or jurat in question;

(3) The date on which the notarial act was performed;

(4) The signature of the notary, exactly as shown on the notary's commission;

(5) The notary's printed name, displayed below the notary's signature or inked stamp;

(6) The notary's notarial seal and commission expiration date;

(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.

(H) 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.

Sec. 147.55. ~~The~~ Notwithstanding section 147.542 of the Revised Code, the forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any section of the Revised Code. The forms shall be known as "statutory short forms of acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

"(A) For an individual acting in ~~his~~ the individual's own right:

"State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name of person ~~acknowledged~~ acknowledging).

(Signature of person taking acknowledgment)

(Title or rank)

~~(Serial number, if any)"~~

(B) "For a corporation:

"State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging), a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)"

(C) "For a partnership:

"State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)"

(D) "For an individual acting as principal by an attorney in fact:

"State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)"

(E) "By any public officer, trustee, or personal representative:

"State of .....

County of .....

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)"

Sec. 147.551. Notwithstanding section 147.542 of the Revised Code, a jurat may take the following form:

"State of Ohio

County of .....

Sworn to or affirmed and subscribed before me by (signature of person making jurat) this date of (date).

(Signature of notary public administering jurat)

(Affix seal here)

(Title of rank)

(Commission expiration date)"

Sec. 147.59. (A) An individual whose physical characteristics limit the individual's ability to

sign a document presented for notarization may direct a designated alternative signer to sign on the individual's behalf, if all of the following are met:

(1) The individual clearly indicates, through oral, verbal, physical, electronic, or mechanical means, to the notary public the individual's intent for the designated alternative signer to sign the individual's name on the notarial document.

(2) Both the individual and the designated alternative signer provide satisfactory identification to the notary public.

(3) The designated alternative signer signs the document in the presence of the notary public.

(4) The designated alternative signer is not named in the document.

(5) The notarial certificate provided to the individual gives the name of the designated alternative signer and states that the document was signed under this section at the direction of the individual.

(B) An individual may use a designated alternative signer to perform an online notarial act if all of the requirements of division (A) of this section are met.

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.

(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.

(2) Notwithstanding any other provision of the Revised Code to the contrary, a printed copy of a document executed electronically by the parties and acknowledged or sworn before a notary acting pursuant to this section shall be accepted by county auditors, engineers, and recorders for purposes of approval, transfer, and recording to the same extent as any other document that is submitted by an electronic recording method and shall not be rejected solely by reason of containing electronic signatures or an electronic notarization, including an online notarization, if that document contains the certificate required under division (G) of section 147.542 of the Revised Code, including the notification required under division (G)(7) of that section.

(C) Any notary public may obtain an electronic seal and an electronic signature for the purposes of notarizing documents under this section.

(D) A notary public shall comply with the provisions of section 147.66 of the Revised Code pertaining to the electronic seal and electronic signature.

Sec. 147.60. As used in this section and sections 147.61 to 147.66 of the Revised Code:

(A) "Appear in person" means being in the same physical location as another person and being close enough to hear, communicate with, and exchange tangible identification credentials with that individual. "Appear in person" also means being in a different location as another person and interacting with that individual by means of live two-way, audio-video communication.

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

(C) "Electronic" means relating to technology having electrical, digital, magnetic, wireless,

optical, electromagnetic, or similar capabilities.

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

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

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

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

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

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

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

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

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

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

(L) "Remote presentation" means transmission to an online notary public through live two-way video and audio conference technology of an image of a government-issued identification credential that is of sufficient quality to enable the online notary public to identify the principal seeking the online notary public's services and to perform credential analysis.

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

Sec. 147.61. Sections 147.60 to 147.66 of the Revised Code apply to online notarizations and online notaries public. To the extent that a provision of sections 147.60 to 147.66 of the Revised Code conflicts with another provision of this chapter or other applicable law, sections 147.60 to 147.66 of the Revised Code supersede the provision.

Sec. 147.62. (A) The secretary of state shall adopt rules under Chapter 119. of the Revised Code necessary to implement, set, and maintain standards for online notarizations and online notaries public. Such rules shall address, at a minimum, all of the following:

(1) The standards, procedures, application forms, and fees for the authorization of a notary public to act as an online notary public;

(2) The means of performing online notarizations;

(3) Standards for the technology to be used in online notarizations;

(4) Standards for remote presentation, credential analysis, and identity proofing;

(5) Standards for the retention of records relating to online notarizations;

(6) The modification of forms of notarial certificates for any notarial act that is an online notarization;

(7) Standards and requirements for the termination of a notary public's authorization to perform online notarizations.

(B) The office of information technology in the department of administrative services shall provide assistance to the secretary of state relating to the equipment, security, and technological aspects of the standards established under this section.

Sec. 147.63. (A) A notary public who has been duly appointed and commissioned under section 147.01 of the Revised Code, and who is a resident of this state, may apply to the secretary of state to be authorized to act as an online notary public during the term of that notary public's commission. A state resident commissioned as a notary public qualifies to be an online notary public by paying the fee described in section 147.631 of the Revised Code and submitting to the secretary of state an application in the form prescribed by the secretary that demonstrates to the satisfaction of the secretary that the applicant will comply with the standards adopted in rules under section 147.62 of the Revised Code and that the applicant is otherwise qualified to be an online notary.

(B)(1) Before an individual may be authorized to act as an online notary public, that individual shall successfully complete a course of instruction approved by the secretary of state and pass an examination based on the course. The content of the course shall include notarial rules, procedures, and ethical obligations pertaining to online notarization contained in sections 147.60 to 147.66 of the Revised Code or in any other law or rules of this state. The course may be taken in conjunction with the educational program required under section 147.021 of the Revised Code for a notary public commission.

(2) The secretary of state shall approve one business entity comprised of bar associations with statewide scope and regional presence that have expertise and experience in notary laws and processes to provide the course and administer the examination to become an online notary.

(C) The application required under division (A) of this section shall be transmitted electronically to the secretary of state and shall include all of the following information:

(1) The applicant's full legal name and official notary public name to be used in acting as an online notary public;

(2) A description of the technology the applicant intends to use in performing online notarizations;

(3) A certification that the applicant will comply with the rules adopted under section 147.62 of the Revised Code;

(4) An electronic mail address of the applicant;

(5) Any decrypting instructions, keys, codes, or software necessary to enable the application to be read;

(6) Proof of successful completion of the course and passage of the examination required under division (B) of this section;

(7) A disclosure of any and all license or commission revocations or other professional disciplinary actions taken against the applicant;

(8) Any other information that the secretary of state may require.

(D)(1) If the secretary of state is satisfied that an applicant meets the standards adopted in rules under section 147.62 of the Revised Code, and that the applicant is otherwise qualified to be an online notary public, then the secretary shall issue to the applicant a written authorization to perform online notarizations.

(2) Except as provided in division (D)(4) of this section, the authorization shall expire when the notary public's commission expires or is revoked under section 147.03, 147.031, or 147.032 of the Revised Code.

(3)(a) Except as provided in division (D)(5) of this section, the authorization shall be renewed when the notary public's commission is renewed.

(b) An authorization to perform online notarizations that is set to expire shall not be renewed unless the notary submits to the secretary of state through the entity authorized in this section all of the following:

(i) A fee, set by the secretary of state, of not more than four times the fee prescribed in division (B)(2) of section 147.031 of the Revised Code;

(ii) An application for renewal on a form prescribed by the secretary;

(iii) Evidence of having completed continuing education, as required under division (G) of this section.

(c) If a notary public's online notarization authorization expires before the notary submits the application for renewal, the secretary of state shall not renew that expired authorization but shall permit that person to apply for a new online notarization authorization.

(4) An authorization to perform online notarizations granted to an attorney admitted to the practice of law in this state by the Ohio supreme court shall expire on the earlier of five years after the date the authorization is granted or when the attorney's term of office as a notary public ends.

(5) An attorney authorized to perform online notarizations may apply to renew the attorney's authorization three months prior to the authorization's expiration date.

(6)(a) The secretary may deny an application for an online notary public if any of the required information is missing or incorrect on the application form.

(b) The secretary may also deny an application if the technology the applicant identifies pursuant to division (C)(2) of this section does not conform to the standards developed by the secretary pursuant to section 147.62 of the Revised Code.

(E) Nothing in this section shall be construed as prohibiting an online notary public from receiving, installing, and utilizing a software update to the technology that the online notary public disclosed pursuant to division (C)(2) of this section if that software update does not result in a technology that is materially different from the technology that the online notary public disclosed pursuant to division (C)(2) of this section.

(F)(1) If a notary public changes either the hardware or the software that the notary intends to use to carry out online notarizations, then the notary shall inform the secretary of this intent on a



form prescribed by the secretary.

(2) If the secretary determines that the new hardware or software does not meet the standards prescribed in rules under section 147.62 of the Revised Code, then the secretary may suspend or revoke the notary's authority to perform online notarizations.

(G)(1) The secretary of state shall not renew an online notarization authorization unless the applicant has completed continuing education as required under rules adopted pursuant to division (G)(2) of this section.

(2) The secretary shall adopt rules in accordance with Chapter 119. of the Revised Code related to continuing education requirements for an online notarization authorization. The rules shall specify the number of hours of continuing education a notary must complete over the duration of the notary's license and may specify content to be included in the continuing education.

Sec. 147.631. (A)(1) The secretary of state may charge a fee for the online notary course of instruction and examination to each person who is registering to be an online notary.

(2) The secretary shall not charge a fee to a notary obtaining an electronic seal and signature solely for the purpose of conducting notarizations as described in section 147.591 of the Revised Code.

(B) The notary public taking the online notary course of instruction and the examination shall remit the fee to the authorized entity that administered the online notary course of instruction and examination required by division (B) of section 147.63 of the Revised Code. The notary public shall remit to the secretary of state the portion of that fee specified pursuant to division (C)(2) of this section.

(C) The secretary of state shall adopt rules in accordance with Chapter 119. of the Revised Code to do both of the following:

(1) Establish the amount of the fee authorized by division (A) of this section, which shall not exceed four times the amount of the fee established pursuant to division (C)(1) of section 147.37 of the Revised Code;

(2) Establish the portion of the fee, not to exceed twenty dollars, that the notary public is required to remit to the secretary of state.

Sec. 147.64. (A)(1) Except as provided in division (A)(3) of this section, an online notary public has the authority to perform any notarial act as an online notarization.

(2) An electronic document notarized through an online notarization shall be considered an original document.

(3) An online notary public shall not take or certify a deposition as an online notarization.

(B) A notary public of this state who has been authorized by the secretary of state to perform online notarizations may perform online notarizations only if both of the following conditions are met:

(1) The online notary public is a resident of this state.

(2) The online notary public is located within the geographical boundaries of this state at the time of the online notarization.

(C)(1) A notary public may perform an online notarization by means of audio-video communication in compliance with this act and any other rules adopted by the secretary of state for any principal who is located within the territory of the United States.

(2) A notary public may perform an online notarization for a principal located outside the territory of the United States only if both of the following conditions are met:

(a) The act is not known by the notary public to be prohibited in the jurisdiction in which the principal is physically located at the time of the act.

(b) The record meets any of the following:

(i) Is part of, or pertains to, a matter that is to be filed with or is before a court, governmental entity, or other entity located in the territorial jurisdiction of the United States;

(ii) Involves real or personal property located in the territorial jurisdiction of the United States;

(iii) Is part of, or pertains to, a transaction substantially connected with the United States.

(D) If an online notarization requires a principal to appear before an online notary public, the principal shall appear in person before the notary public and the principal and the notary public shall each sign the record with an electronic signature.

(E)(1) In performing an online notarization, a notary public shall determine from personal knowledge or satisfactory evidence of identity as described in division (E)(2) of this section that the principal appearing before the notary by means of live audio-video communication is the individual that he or she purports to be.

(2) A notary public has satisfactory evidence of identity if the notary can identify the individual who appears in person before the notary by means of audio-video communication based on either of the following:

(a) All of the following:

(i) Remote presentation by the principal of a government-issued identification credential, including a passport or driver's license, that contains the signature and photograph of the principal;

(ii) Credential analysis of the identification credentials provided;

(iii) Identity proofing of the principal.

(b) Verification by one or more credible witnesses who appear in person before the notary and who can be identified by either personal knowledge or all of the following:

(i) Presentation of a government-issued identification credential, including a passport or driver's license, that contains the signature and photograph of the witness;

(ii) Credential analysis of the identification credentials provided;

(iii) Identity proofing of the witness.

(F) The secretary of state shall include in rules adopted under section 147.62 of the Revised Code modified forms of notarial certificates for any notarial act that is an online notarization.

Sec. 147.65. (A) An online notary public shall maintain one or more electronic journals in which the online notary public records, in chronological order, all online notarizations that the online notary public performs. The electronic journal shall enable access by a password or other secure means of authentication and be in a tamper-evident electronic format complying with the rules of the secretary of state adopted under section 147.62 of the Revised Code.

(B) For every online notarization, the online notary public shall record the following information in the electronic journal:

(1) The date and time of the notarial act;

(2) The type of notarial act;

- (3) The title or a description of the record being notarized, if any;
  - (4) The electronic signature of each principal;
  - (5) The printed full name and address of each principal;
  - (6) If identification of the principal is based on personal knowledge, a statement to that effect;
  - (7) If identification of the principal is based on satisfactory evidence of identity pursuant to division (E)(2) of section 147.64 of the Revised Code, a description of the evidence relied upon, including the date of issuance or expiration of any identification credential presented;
  - (8) If identification of the principal is based on a credible witness or witnesses, the name of the witness or witnesses;
  - (9) If the notarization was not performed at the online notary public's business address, the address where the notarization was performed;
  - (10) A description of the online notarization system used;
  - (11) The fee, if any, charged by the notary;
  - (12) The name of the jurisdiction in which the principal was located at the time of the online notarization;
  - (13) The recording upon which the identification of the principal is based, as required under division (D)(3) of this section;
  - (14) Any other information required by the secretary of state.
- (C) An online notary public shall not record a social security number in the electronic journal.
- (D) An online notary public shall do all of the following:
- (1) Take reasonable steps to ensure the integrity, security, and authenticity of online notarizations;
  - (2) Take reasonable steps to ensure that the two-way, audio-video communication used in an online notarization is secure from unauthorized interception;
  - (3) Create and maintain pursuant to this section a complete recording of the audio-video communication that is the basis for identification of a principal for each online notarization;
  - (4) Maintain a backup for the electronic journal required by division (A) of this section and the audio-video recordings required by division (D)(3) of this section;
  - (5)(a) Safeguard the electronic journal and all other notarial records by doing all of the following:
    - (i) Not allowing the electronic journal to be used by another notary;
    - (ii) Creating the audio-video recording required under division (D)(3) of this section in a tamper-evident electronic format complying with the rules of the secretary of state adopted under section 147.62 of the Revised Code;
    - (iii) Protecting the electronic journal and audio-video recordings from unauthorized use.
  - (b) An online notary public may use a third party to keep and store the electronic journal. The secretary of state shall adopt, in rules under Chapter 119. of the Revised Code, standards pertaining to the use of such a third party.
  - (6) Surrender or destroy the electronic journal and all other notarial records only by rule of law, by court order, or at the direction of the secretary of state;
  - (7) Not surrender the electronic journal to an employer upon termination of employment.

(E)(1) An employer shall not retain the electronic journal of an employee who is an online notary public when the notary's employment ceases.

(2) Notwithstanding division (E)(1) of this section, an online notary public may make an agreement with a current or former employer pursuant to division (D)(5)(b) of this section.

(3) An online notary public may use any current or former employer approved as a repository by the secretary of state to meet all applicable repository requirements of this section or section 147.66 of the Revised Code and any associated rules.

(F)(1) Except as provided in division (E) of section 147.66 of the Revised Code, an electronic journal required under division (A) of this section and the audio-video recordings required by division (D)(3) of this section shall be maintained by the online notary public during the term of the online notary public's authorization to perform online notarizations.

(2) Upon the expiration, pursuant to division (D) of section 147.63 of the Revised Code, of the notary public's authorization to conduct online notarizations, the online notary public shall transmit the electronic journal to the secretary of state or to a repository approved by the secretary of state. The secretary of state or repository shall maintain the electronic journal for a period of ten years. If the electronic journal is transmitted to a repository, the online notary public shall inform the secretary of state where the journal is located during this period.

(3) If the notary public renews the notary public's authorization to conduct online notarizations pursuant to division (D) of section 147.63 of the Revised Code, the notary public shall, beginning on the date the renewal is effective, maintain a new electronic journal in accordance with this section.

(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person may inspect or request a copy of an entry or entries in the online notary public's journal, provided that all of the following are met:

(a) The person specifies the month, year, type of record, and name of the principal for the notarial act, in a signed tangible or electronic request.

(b) The notary does not surrender possession or control of the journal.

(c) The person is shown or given a copy of only the entry or entries specified.

(d) A separate new entry is made in the journal, explaining the circumstances of the request and noting any related act of copy certification by the online notary public.

(2) Notwithstanding division (A)(5) of section 147.141 of the Revised Code, an online notary public may certify copies made from the online notary public's electronic journal.

(3) An online notary public who has a reasonable and explainable belief that a person requesting information from the notary's journal has a criminal or other inappropriate purpose may deny access to any entry or entries.

(4) An attorney authorized to conduct online notarizations shall only allow inspection, or provide copies, of an entry or entries in the attorney's journal if the requesting party was a principal in the transaction or transactions to which the journal entry or entries apply or if the requesting party is acting on a principal's behalf. An attorney may deny a request to inspect or receive copies of a journal entry based on attorney-client privilege.

(5) The secretary of state, or a repository approved by the secretary of state, shall only allow inspection, or provide copies of, an entry or entries in a journal deposited with the secretary or the

repository by an attorney authorized to conduct online notarizations if the requesting party was a principal in the transaction or transactions to which the journal entry or entries apply or if the requesting party is acting on a principal's behalf.

(H)(1) The journal may be examined and copied without restriction by a law enforcement officer, as defined in section 2901.01 of the Revised Code, in the course of an official investigation, subpoenaed by court order, or surrendered at the direction of the secretary of state.

(2) Notwithstanding division (H)(1) of this section, an attorney authorized to conduct online notarizations may object to the examination, or copying, of the attorney's journal pursuant to division (H)(1) of this section based on attorney-client privilege.

Sec. 147.66. (A) An online notary public shall take reasonable steps to ensure that any device or software used to create an official electronic signature is current and has not been recalled or declared vulnerable by the device or software's manufacturer, seller, or developer.

(B)(1) An online notary public shall do both of the following:

(a) Except as provided in division (D)(5)(b) of section 147.65 of the Revised Code, keep the online notary public's electronic journal, official electronic signature, and electronic seal secure and under the online notary public's exclusive control;

(b) Use the online notary public's official electronic signature and electronic seal only for performing online notarizations or notarizations pursuant to section 147.591 of the Revised Code.

(2) An online notary public shall not allow another person to use the online notary public's electronic journal, official electronic signature, or electronic seal.

(C)(1) A third party keeping and storing electronic journals for online notaries public pursuant to division (D)(5)(b) of section 147.65 of the Revised Code shall immediately, upon discovery, notify the secretary of state, an appropriate law enforcement agency, and any affected online notaries public of the unauthorized access, modification, transfer, duplication, or use of any electronic journals in the third party's possession or control.

(2) If notice has not already been given pursuant to division (C)(1) of this section, a third party keeping and storing electronic journals for online notaries public pursuant to division (D)(5)(b) of section 147.65 of the Revised Code shall immediately, upon discovery, notify the secretary of state and any affected online notaries public of the loss of any electronic journals in the third party's possession or control.

(3) If notice has not already been given pursuant to division (C)(1) or (2) of this section, an online notary public shall immediately, upon discovery, notify an appropriate law enforcement agency and the secretary of state of the unauthorized access, modification, transfer, duplication, or use of the online notary public's electronic journal, official electronic signature, or electronic seal.

(4) If notice has not already been given pursuant to division (C)(1), (2), or (3) of this section, an online notary public shall immediately notify the secretary of state of the loss of the online notary public's electronic journal, official electronic signature, or electronic seal.

(D) An online notary public shall attach the online notary public's electronic signature and electronic seal to the notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

(E)(1)(a) Upon resignation, revocation, or expiration without renewal of an online notary

public commission, the online notary public shall transmit the electronic journal to the secretary of state or to a repository approved by the secretary of state. This requirement does not apply to electronic journals that, as of the date of the resignation or expiration, were no longer kept in accordance with division (F) of section 147.65 of the Revised Code. If the electronic journal is transmitted to a repository, the online notary public shall inform the secretary of state where the journal is located during this period.

(b) Upon death or adjudicated incompetence of a current or former notary public, the executor or administrator of the online notary public's estate, the notary's guardian, or any other person knowingly in possession of the online notary public's electronic journal, shall transmit the journal to the secretary of state or to a repository approved by the secretary of state.

(2) The online notary public, the notary's personal representative or guardian, or the administrator or the executor of the notary's estate shall provide access instructions to the secretary of state for any electronic journal maintained or stored by the online notary public, upon commission resignation, revocation, or expiration without renewal, or upon the death or adjudicated incompetence of the online notary public, if that person is in possession of such instructions.

(3) The secretary of state or repository receiving a journal transmitted under division (E)(1) of this section shall maintain the journal for a period of ten years.

Sec. 2303.20. Under the circumstances described in sections 2969.21 to 2969.27 of the Revised Code, the clerk of the court of common pleas shall charge the fees and perform the other duties specified in those sections. In all other cases, the clerk shall charge the following fees and no more:

- (A) Twenty-five dollars for each cause of action which shall include the following:
- (1) Docketing in all dockets;
  - (2) Filing necessary documents, noting the filing of the documents, except subpoena, on the dockets;
  - (3) Issuing certificate of deposit in foreign writs;
  - (4) Indexing pending suits and living judgments;
  - (5) Noting on appearance docket all papers mailed;
  - (6) Certificate for attorney's fee;
  - (7) Certificate for stenographer's fee;
  - (8) Preparing cost bill;
  - (9) Entering on indictment any plea;
  - (10) Entering costs on docket and cash book.
- (B) Two dollars for taking each undertaking, bond, or recognizance;
- (C) Two dollars for issuing each writ, order, or notice, except subpoena;
- (D) Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;
- (E) Twenty-five dollars for calling a jury in each cause;
- (F) Two dollars for each page, for entering on journal, indexing, and posting on any docket;
- (G) Three dollars for each execution or transcript of judgment, including indexing;
- (H) One dollar for each page, for making complete record, including indexing;
- (I) Five dollars for certifying a plat recorded in the county recorder's office;

- (J) Five dollars for issuing certificate to receiver or order of reference with oath;
- (K) Five dollars for entering satisfaction or partial satisfaction of each lien on record in the county recorder's office, and the clerk of courts' office;
- (L) One dollar for each certificate of fact under seal of the court, to be paid by the party demanding it;
- (M) One dollar for taking each affidavit, including certificate and seal;
- (N) Two dollars for acknowledging all instruments in writing;
- (O) Five dollars for making certificate of judgment;
- (P) Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;
- (Q) Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;
- (R) Five dollars for recording commission of mayor ~~or notary public~~;
- (S) One dollar for issuing any license except the licenses issued pursuant to sections 1533.101, 1533.11, 1533.13, and 1533.32 of the Revised Code;
- (T) Fifteen dollars for docketing and indexing each aid in execution or petition to vacate, revive, or modify judgment, including the filing and noting of all necessary documents;
- (U) Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;
- (V) A commission of two per cent on the first ten thousand dollars and one per cent on all exceeding ten thousand dollars for receiving and disbursing money, other than costs and fees, paid to or deposited with the clerk of courts in pursuance of an order of court or on judgments, including moneys invested by order of the court and interest earned on them;
- (W) Five dollars for numbering, docketing, indexing, and filing each authenticated or certified copy of the record, or any portion of an authenticated or certified copy of the record, of an extra county action or proceeding;
- (X) Two dollars for each certificate of divorce, annulment, or dissolution of marriage to the bureau of vital statistics;
- (Y) Two dollars for each electronic transmission of a document, plus one dollar for each page of that document. These fees are to be paid by the party requesting the electronic transmission.
- (Z) One dollar for each page, for copies of pleadings, process, record, or files, including certificate and seal.

Sec. 4505.11. This section shall also apply to all-purpose vehicles and off-highway motorcycles as defined in section 4519.01 of the Revised Code.

(A) Each owner of a motor vehicle and each person mentioned as owner in the last certificate of title, when the motor vehicle is dismantled, destroyed, or changed in such manner that it loses its character as a motor vehicle, or changed in such manner that it is not the motor vehicle described in the certificate of title, shall surrender the certificate of title to that motor vehicle to a clerk of a court of common pleas, and the clerk, with the consent of any holders of any liens noted on the certificate of title, then shall enter a cancellation upon the clerk's records and shall notify the registrar of motor vehicles of the cancellation.

Upon the cancellation of a certificate of title in the manner prescribed by this section, any

clerk and the registrar of motor vehicles may cancel and destroy all certificates and all memorandum certificates in that chain of title.

(B)(1) If an Ohio certificate of title or salvage certificate of title to a motor vehicle is assigned to a salvage dealer, the dealer is not required to obtain an Ohio certificate of title or a salvage certificate of title to the motor vehicle in the dealer's own name if the dealer dismantles or destroys the motor vehicle, indicates the number of the dealer's motor vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" across the face of the certificate of title or salvage certificate of title, and surrenders the certificate of title or salvage certificate of title to a clerk of a court of common pleas as provided in division (A) of this section. If the salvage dealer retains the motor vehicle for resale, the dealer shall make application for a salvage certificate of title to the motor vehicle in the dealer's own name as provided in division (C)(1) of this section.

(2) At the time any salvage motor vehicle is sold at auction or through a pool, the salvage motor vehicle auction or salvage motor vehicle pool shall give a copy of the salvage certificate of title or a copy of the certificate of title marked "FOR DESTRUCTION" to the purchaser.

(C)(1) When an insurance company declares it economically impractical to repair such a motor vehicle and has paid an agreed price for the purchase of the motor vehicle to any insured or claimant owner, the insurance company shall proceed as follows:

(a) If an insurance company receives the certificate of title and the motor vehicle, within thirty business days, the insurance company shall deliver the certificate of title to a clerk of a court of common pleas and shall make application for a salvage certificate of title. This certificate of title, any supporting power of attorney, or application for a salvage certificate of title shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code.

(b) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was issued for the vehicle but the insurance company is unable to obtain the properly endorsed certificate of title for the motor vehicle within thirty business days following the vehicle's owner or lienholder's acceptance of the insurance company's payment for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by evidence that the insurance company has paid a total loss claim on the vehicle, a copy of the written request for the certificate of title from the insurance company or its designee, and proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, to obtain the certificate of title.

(c) If an insurance company obtains possession of the motor vehicle and a physical certificate of title was not issued for the vehicle, the insurance company may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering a certificate of title for the motor vehicle. The application shall be accompanied by the electronic certificate of title control number and a properly executed power of attorney, or other appropriate document, from the owner of the motor vehicle authorizing the insurance company to apply for a salvage certificate of title. The application for a salvage certificate of title shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code.

(d) Upon receipt of a properly completed application for a salvage certificate of title as



described in division (C)(1)(a), (b), or (c) or (C)(2) of this section, the clerk shall issue the salvage certificate of title on a form, prescribed by the registrar, that shall be easily distinguishable from the original certificate of title and shall bear the same information as the original certificate of title except that it may bear a different number than that of the original certificate of title. The salvage certificate of title shall include the following notice in bold lettering:

**"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01."**

Except as provided in division (C)(3) of this section, the salvage certificate of title shall be assigned by the insurance company to a salvage dealer or any other person for use as evidence of ownership upon the sale or other disposition of the motor vehicle, and the salvage certificate of title shall be transferable to any other person. The clerk shall charge a fee of four dollars for the cost of processing each salvage certificate of title.

(2) If an insurance company requests that a salvage motor vehicle auction take possession of a motor vehicle that is the subject of an insurance claim, and subsequently the insurance company denies coverage with respect to the motor vehicle or does not otherwise take ownership of the motor vehicle, the salvage motor vehicle auction may proceed as follows. After the salvage motor vehicle auction has possession of the motor vehicle for forty-five days, it may apply to the clerk of a court of common pleas for a salvage certificate of title without delivering the certificate of title for the motor vehicle. The application shall be accompanied by a copy of the written request that the vehicle be removed from the facility on the salvage motor vehicle auction's letterhead, and proof that the request was delivered by a nationally recognized courier service to the last known address of the owner of the vehicle and any known lienholder, requesting that the vehicle be removed from the facility of the salvage motor vehicle auction. Upon receipt of a properly completed application, the clerk shall follow the process as described in division (C)(1)(d) of this section. The salvage certificate of title so issued shall be free and clear of all liens.

(3) If an insurance company considers a motor vehicle as described in division (C)(1)(a), (b), or (c) of this section to be impossible to restore for highway operation, the insurance company may assign the certificate of title to the motor vehicle to a salvage dealer or scrap metal processing facility and send the assigned certificate of title to the clerk of the court of common pleas of any county. The insurance company shall mark the face of the certificate of title "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

(4) If an insurance company declares it economically impractical to repair a motor vehicle, agrees to pay to the insured or claimant owner an amount in settlement of a claim against a policy of motor vehicle insurance covering the motor vehicle, and agrees to permit the insured or claimant owner to retain possession of the motor vehicle, the insurance company shall not pay the insured or claimant owner any amount in settlement of the insurance claim until the owner obtains a salvage certificate of title to the vehicle and furnishes a copy of the salvage certificate of title to the insurance company.

(D) When a self-insured organization, rental or leasing company, or secured creditor becomes the owner of a motor vehicle that is burned, damaged, or dismantled and is determined to be economically impractical to repair, the self-insured organization, rental or leasing company, or secured creditor shall do one of the following:

(1) Mark the face of the certificate of title to the motor vehicle "FOR DESTRUCTION" and surrender the certificate of title to a clerk of a court of common pleas for cancellation as described in division (A) of this section. The self-insured organization, rental or leasing company, or secured creditor then shall deliver the motor vehicle, together with a photocopy of the certificate of title, to a salvage dealer or scrap metal processing facility and shall cause the motor vehicle to be dismantled, flattened, crushed, or destroyed.

(2) Obtain a salvage certificate of title to the motor vehicle in the name of the self-insured organization, rental or leasing company, or secured creditor, as provided in division (C)(1) of this section, and then sell or otherwise dispose of the motor vehicle. If the motor vehicle is sold, the self-insured organization, rental or leasing company, or secured creditor shall obtain a salvage certificate of title to the motor vehicle in the name of the purchaser from a clerk of a court of common pleas.

(E) If a motor vehicle titled with a salvage certificate of title is restored for operation upon the highways, application shall be made to a clerk of a court of common pleas for a certificate of title. Upon inspection by the state highway patrol, which shall include establishing proof of ownership and an inspection of the motor number and vehicle identification number of the motor vehicle and of documentation or receipts for the materials used in restoration by the owner of the motor vehicle being inspected, which documentation or receipts shall be presented at the time of inspection, the clerk, upon surrender of the salvage certificate of title, shall issue a certificate of title for a fee prescribed by the registrar. The certificate of title shall be in the same form as the original certificate of title and shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. Every subsequent certificate of title, memorandum certificate of title, or duplicate certificate of title issued for the motor vehicle also shall bear the words "REBUILT SALVAGE" in black boldface letters on its face. The exact location on the face of the certificate of title of the words "REBUILT SALVAGE" shall be determined by the registrar, who shall develop an automated procedure within the automated title processing system to comply with this division. The clerk shall use reasonable care in performing the duties imposed on the clerk by this division in issuing a certificate of title pursuant to this division, but the clerk is not liable for any of the clerk's errors or omissions or those of the clerk's deputies, or the automated title processing system in the performance of those duties. A fee of fifty dollars shall be assessed by the state highway patrol for each inspection made pursuant to this division and shall be deposited into the public safety - highway purposes fund established by section 4501.06 of the Revised Code.

(F) No person shall operate upon the highways in this state a motor vehicle, title to which is evidenced by a salvage certificate of title, except to deliver the motor vehicle pursuant to an appointment for an inspection under this section.

(G) No motor vehicle the certificate of title to which has been marked "FOR DESTRUCTION" and surrendered to a clerk of a court of common pleas shall be used for anything except parts and scrap metal.

(H)(1) Except as otherwise provided in this division, an owner of a manufactured or mobile home that will be taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located. An owner whose home qualifies for real property taxation under divisions (B)(1)(a) and (b) of section 4503.06 of the Revised Code shall surrender the certificate

within fifteen days after the home meets the conditions specified in those divisions. The auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it.

(2) If the certificate of title for a manufactured or mobile home that is to be taxed as real property is held by a lienholder, the lienholder shall surrender the certificate of title to the auditor of the county containing the taxing district in which the home is located, and the auditor shall deliver the certificate of title to the clerk of the court of common pleas who issued it. The lienholder shall surrender the certificate within thirty days after both of the following have occurred:

(a) The homeowner has provided written notice to the lienholder requesting that the certificate of title be surrendered to the auditor of the county containing the taxing district in which the home is located.

(b) The homeowner has either paid the lienholder the remaining balance owed to the lienholder, or, with the lienholder's consent, executed and delivered to the lienholder a mortgage on the home and land on which the home is sited in the amount of the remaining balance owed to the lienholder.

(3) Upon the delivery of a certificate of title by the county auditor to the clerk, the clerk shall inactivate it and maintain it in the automated title processing system for a period of thirty years.

(4) Upon application by the owner of a manufactured or mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code and that no longer satisfies divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that section, the clerk shall reactivate the record of the certificate of title that was inactivated under division (H)(3) of this section and shall issue a new certificate of title, but only if the application contains or has attached to it all of the following:

(a) An endorsement of the county treasurer that all real property taxes charged against the home under Title LVII of the Revised Code and division (B) of section 4503.06 of the Revised Code for all preceding tax years have been paid;

(b) An endorsement of the county auditor that the home will be removed from the real property tax list;

(c) Proof that there are no outstanding mortgages or other liens on the home or, if there are such mortgages or other liens, that the mortgagee or lienholder has consented to the reactivation of the certificate of title.

(I)(1) Whoever violates division (F) of this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

(2) Whoever violates division (G) of this section shall be fined not more than one thousand dollars, imprisoned not more than six months, or both.

Sec. 4735.01. As used in this chapter:

(A) "Real estate broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration does any of the following:

(1) Sells, exchanges, purchases, rents, or leases, or negotiates the sale, exchange, purchase, rental, or leasing of any real estate;

(2) Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate;

(3) Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate;

(4) Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate;

(5) Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants;

(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;

(7) Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate;

(8) Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners;

(9) Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.

(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.

(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.

(D) "Institution of higher education" includes all of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code.

(4) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code that is approved to offer degree programs in accordance with section 3332.05 of the Revised Code.

(E) "Foreign real estate" means real estate not situated in this state and any interest in real estate not situated in this state.

(F) "Foreign real estate dealer" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation, foreign or domestic, who for another, whether pursuant to a power of attorney or otherwise, and who for a fee, commission, or other valuable consideration, or with the intention, or in the expectation, or upon the promise of receiving or

collecting a fee, commission, or other valuable consideration, does or deals in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate.

(G) "Foreign real estate salesperson" means any person associated with a licensed foreign real estate dealer to do or deal in any act or transaction specified or comprehended in division (A) of this section with respect to foreign real estate, for compensation or otherwise.

(H) Any person, partnership, association, limited liability company, limited liability partnership, or corporation, who, for another, in consideration of compensation, by fee, commission, salary, or otherwise, or with the intention, in the expectation, or upon the promise of receiving or collecting a fee, does, or offers, attempts, or agrees to engage in, any single act or transaction contained in the definition of a real estate broker, whether an act is an incidental part of a transaction, or the entire transaction, shall be constituted a real estate broker or real estate salesperson under this chapter.

(I)(1) The terms "real estate broker," "real estate salesperson," "foreign real estate dealer," and "foreign real estate salesperson" do not include a person, partnership, association, limited liability company, limited liability partnership, or corporation, or the regular employees thereof, who perform any of the acts or transactions specified or comprehended in division (A) of this section, whether or not for, or with the intention, in expectation, or upon the promise of receiving or collecting a fee, commission, or other valuable consideration:

(a) With reference to real estate situated in this state owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it;

(b) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a bona fide public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other instrument that has been executed in good faith creating a like bona fide fiduciary obligation;

(c) As a public officer while performing the officer's official duties;

(d) As an attorney at law in the performance of the attorney's duties;

(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;

(f) As a person who engages in the sale of manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;

(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code;

(h) As an oil and gas land professional in the performance of the oil and gas land professional's duties, provided the oil and gas land professional is not engaged in the purchase or sale of a fee simple absolute interest in oil and gas or other real estate and the oil and gas land professional complies with division (A) of section 4735.023 of the Revised Code;

(i) As an oil and gas land professional employed by the person, partnership, association,

limited liability company, limited liability partnership, or corporation for which the oil and gas land professional is performing the oil and gas land professional's duties.

(2) A person, partnership, association, limited liability company, limited liability partnership, or corporation exempt under division (I)(1)(a) of this section shall be limited by the legal interest in the real estate held by that person or entity to performing any of the acts or transactions specified in or comprehended by division (A) of this section.

(J) "Disabled licensee" means a person licensed pursuant to this chapter who is under a severe disability which is of such a nature as to prevent the person from being able to attend any instruction lasting at least three hours in duration.

(K) "Division of real estate" may be used interchangeably with, and for all purposes has the same meaning as, "division of real estate and professional licensing."

(L) "Superintendent" or "superintendent of real estate" means the superintendent of the division of real estate and professional licensing of this state. Whenever the division or superintendent of real estate is referred to or designated in any statute, rule, contract, or other document, the reference or designation shall be deemed to refer to the division or superintendent of real estate and professional licensing, as the case may be.

(M) "Inactive license" means the license status in which a salesperson's license is in the possession of the division, renewed as required under this chapter or rules adopted under this chapter, and not associated with a real estate broker.

(N) "Broker's license on deposit" means the license status in which a broker's license is in the possession of the division of real estate and professional licensing and renewed as required under this chapter or rules adopted under this chapter.

(O) "Suspended license" means the license status that prohibits a licensee from providing services that require a license under this chapter for a specified interval of time.

(P) "Reactivate" means the process prescribed by the superintendent of real estate and professional licensing to remove a license from an inactive, suspended, or broker's license on deposit status to allow a licensee to provide services that require a license under this chapter.

(Q) "Revoked" means the license status in which the license is void and not eligible for reactivation.

(R) "Commercial real estate" means any parcel of real estate in this state other than real estate containing one to four residential units. "Commercial real estate" does not include single-family residential units such as condominiums, townhouses, manufactured homes, or homes in a subdivision when sold, leased, or otherwise conveyed on a unit-by-unit basis, even when those units are a part of a larger building or parcel of real estate containing more than four residential units.

(S) "Out-of-state commercial broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.

(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not licensed as a real estate salesperson in Ohio.

(U) "Exclusive right to sell or lease listing agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker, the seller, or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement to anyone other than to specifically exempted persons or entities.

(V) "Exclusive agency agreement" means an agency agreement between a seller and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the seller in the sale or lease of the seller's property;

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities.

(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following:

(1) Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property;

(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement.

The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser.

(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another person.

(Y) "Resigned" means the license status in which a license has been voluntarily and permanently surrendered to or is otherwise in the possession of the division of real estate and professional licensing, may not be renewed or reactivated in accordance with the requirements specified in this chapter or the rules adopted pursuant to it, and is not associated with a real estate broker.

(Z) "Bona fide" means made in good faith or without purpose of circumventing license law.

(AA) "Associate broker" means an individual licensed as a real estate broker under this chapter who does not function as the principal broker or a management level licensee.

(BB) "Brokerage" means a corporation, partnership, limited partnership, association, limited liability company, limited liability partnership, or sole proprietorship, foreign or domestic, that has been issued a broker's license. "Brokerage" includes the affiliated licensees who have been assigned management duties that include supervision of licensees whose duties may conflict with those of other affiliated licensees.

(CC) "Credit-eligible course" means a credit or noncredit-bearing course that is both of the

following:

(1) The course is offered by an institution of higher education.

(2) The course is eligible for academic credit that may be applied toward the requirements for a degree at the institution of higher education.

(DD) "Distance education" means courses required by divisions (B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of section 4735.09, and division (A) of section 4735.141 of the Revised Code in which instruction is accomplished through use of interactive, electronic media and where the teacher and student are separated by distance or time, or both.

(EE) "Licensee" means any individual licensed as a real estate broker or salesperson by the Ohio real estate commission pursuant to this chapter.

(FF) "Management level licensee" means a licensee who is employed by or affiliated with a real estate broker and who has supervisory responsibility over other licensees employed by or affiliated with that real estate broker.

(GG) "Oil and gas land professional" means a person regularly engaged in the preparation and negotiation of agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests, including, but not limited to, oil and gas leases and pipeline easements.

(HH) "Principal broker" means an individual licensed as a real estate broker under this chapter who oversees and directs the operations of the brokerage.

Sec. 4735.023. (A) An oil and gas land professional who is not otherwise permitted to engage in the activities described in division (A) of section 4735.01 of the Revised Code may perform such activities, if the oil and gas land professional does all of the following:

(1)(a) Registers on an annual basis as an oil and gas land professional with the superintendent of real estate by such date specified and on a form approved by the superintendent, which form includes both of the following:

(i) The name and address of the oil and gas land professional;

(ii) Evidence of the oil and gas land professional's membership in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals.

(b) Pays an annual fee, established by the superintendent in an amount not to exceed one hundred dollars, which shall accompany the registration.

(2) At or prior to first contacting any landowner or other person with an interest in real estate for the purpose of engaging in the activities of an oil and gas land professional, and on a form approved by the superintendent, discloses to the landowner or other person all of the following:

(a) The oil and gas land professional's name and address as registered with the superintendent;

(b) That the oil and gas land professional is registered as such with the superintendent and is a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals;

(c) That the oil and gas land professional is not a licensed real estate broker or real estate



salesperson under Chapter 4735. of the Revised Code;

(d) That the landowner or other person with an interest in real estate may seek legal counsel in connection with any transaction with the oil and gas land professional;

(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate.

(3) At or prior to entering into any agreements for the purpose of exploring for, transporting, producing, or developing oil and gas mineral interests including, but not limited to, oil and gas leases and pipeline easements with any landowner or other person with an interest in real estate, and on a form approved by the superintendent, discloses to the landowner or other person with an interest in real estate all of the following:

(a) The oil and gas land professional's name and address as registered with the superintendent;

(b) That the oil and gas land professional is registered as such with the superintendent and a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals;

(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;

(d) That the landowner or other person may seek legal counsel in connection with any transaction with the oil and gas land professional;

(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate.

(B) Any oil and gas land professional who must be registered as such with the superintendent pursuant to this section who ceases to be a member in good standing of an organization described in division (A)(1)(a)(ii) of this section shall report the change in membership status to the superintendent within thirty days of that change. Failure to report such change in membership status shall result in the automatic suspension of registration status and subject the registrant to the penalties for unlicensed activity as found in section 4735.02 of the Revised Code.

(C) Any oil and gas land professional who fails to register with the superintendent pursuant to this section is subject to the penalties for unlicensed activity as found in section 4735.02 of the Revised Code.

Sec. 4738.021. (A) Every salvage motor vehicle auction and salvage motor vehicle pool shall do all of the following:

(1) Keep an electronic record of all sales of salvage motor vehicles and shall include in the record the make, model, year, vehicle identification number, and the names and addresses of the purchaser and seller of the salvage motor vehicle.

(2) Obtain from any authorized purchaser of an Ohio salvage motor vehicle a copy of a driver's license, passport, or other government-issued identification. Every salvage motor vehicle auction and salvage motor vehicle pool shall maintain a copy of this identification for a period of two years.

(3) Obtain from any person who is an authorized purchaser as defined in division (G)(1) of section 4738.01 of the Revised Code documented proof of any required license or other authorization

to do business pursuant to this chapter or, for any person residing in a state, jurisdiction, or country that does not issue a motor vehicle salvage dealer, junk yard, scrap metal processing facility, used motor vehicle dealer, salvage dismantler, or automotive recycler license, a declaration under penalty of perjury that the authorized purchaser is authorized to purchase salvage vehicles in that person's state, jurisdiction, or country. The declaration may be submitted by the authorized purchaser in electronic or written format. Every salvage motor vehicle auction and salvage motor vehicle pool shall maintain a copy of this documentation for a period of two years.

(4) Obtain from any person who is an authorized purchaser as defined in division (G)(2) of section 4738.01 of the Revised Code a declaration under penalty of perjury that the authorized purchaser is not making a purchase in excess of the applicable limit identified in that division. The salvage motor vehicle auction or salvage motor vehicle pool shall maintain that declaration for a period of two years. The declaration may be submitted by the authorized purchaser in electronic or written format.

(5) For any sale of a salvage motor vehicle to a person residing in another country, stamp the words "FOR EXPORT ONLY" on both of the following:

- (a) The face of the vehicle title so as not to obscure the name, date, or mileage statement;
- (b) In each unused reassignment space on the back of the title.

The words "FOR EXPORT ONLY" shall be in all capital, black letters, be at least two inches wide, and be clearly legible.

(B) Every salvage motor vehicle auction and salvage motor vehicle pool shall submit the information collected pursuant to division (A)(1) of this section on a monthly basis to ~~a third party consolidator selected by the registrar of motor vehicles~~ the department of public safety or a third-party provider pursuant to a contract with the department and pursuant to the rules adopted by the ~~registrar~~ department in division (C) of this section.

(C)(1) ~~Within twelve months after March 23, 2015, the registrar shall contract with an entity approved as a third party data consolidator to the national motor vehicle title information system for the development of~~ The department of public safety or a third-party provider pursuant to a contract with the department shall establish a statewide database for the submission of the information collected pursuant to division (A)(1) of this section. The system shall be used to maintain an accurate record of all sales conducted by a salvage motor vehicle auction or salvage motor vehicle pool. ~~All expenses of this contract shall be paid from the public safety - highway purposes fund created in section 4501.06 of the Revised Code.~~

(2) The ~~registrar~~ department may adopt any rules pursuant to Chapter 119. of the Revised Code as necessary to facilitate the timely submission of the information required pursuant to this section.

The ~~registrar~~ department shall make the information the ~~registrar~~ department receives under this section available to any state or local law enforcement agency upon request.

SECTION 2. That existing sections 109.572, 147.01, 147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 147.51, 147.55, 2303.20, 4505.11, 4735.01, and 4738.021 and sections 147.02 and 147.09 of the Revised Code are hereby repealed.

SECTION 3. (A) The amendments to sections 109.572, 147.01, 147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 147.51, 147.55, and 2303.20, the enactment of sections 147.011, 147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 147.62, 147.63, 147.631, 147.64, 147.65, and 147.66, and the repeal of sections 147.02 and 147.09 of the Revised Code in this act, other than provisions authorizing the secretary of state to adopt rules under this act, shall take effect six months after this act's effective date.

(B) The amendments to section 4738.021 of the Revised Code in this act shall take effect July 1, 2019.

(C) The amendments to sections 4505.11 and 4735.01 of the Revised Code made in Sections 1 and 2 of this act and the enactment of section 4735.023 of the Revised Code made in Section 1 of this act shall take effect at the earliest time permitted by law.

SECTION 4. Beginning on the effective date of this section and until January 1, 2021, a clerk of court shall not issue a salvage certificate of title for a motor vehicle under sections 4505.08 and 4505.11 of the Revised Code, or enter any notation on a certificate of title under those sections, based solely on information reported by an entity pursuant to 49 U.S.C. 30504 and regulations promulgated under it unless one of the following applies:

(A) The clerk receives information from the automated title processing system indicating that a previously issued certificate of title in this state was a salvage certificate of title.

(B) The vehicle was previously titled in another state and the previous certificate of title indicated that the vehicle was considered or categorized as salvage.

(C) An entity that is authorized under section 4505.11 of the Revised Code to apply for a salvage certificate of title applies for a salvage title pursuant to that section.

SECTION 5. (A) There is hereby created the National Motor Vehicle Title Information System Utilization Study Committee.

(B) The Committee shall consist of the Director of Public Safety or the Director's designee who is not the Registrar of Motor Vehicles and the following members appointed by the Director:

- (1) A representative of the Attorney General's Office;
- (2) A representative of the Ohio Automobile Dealers Association;
- (3) A representative of the Ohio Insurance Institute;
- (4) A representative of the salvage automobile auction industry;
- (5) A representative of the Ohio Clerks of Court Association;
- (6) A representative of the auto finance industry;
- (7) A representative of AAA Ohio Auto Club;
- (8) A representative of the National Auto Auction Association;
- (9) A representative of the Ohio Independent Automobile Dealers Association;
- (10) A representative from the salvage dealer industry; and

(11) Up to two additional stakeholders from organizations or industries not specified in divisions (B)(1) to (10) of this section.

(C) The Director shall make all appointments to the Committee not later than thirty days after the effective date of this section. Members shall serve without compensation or reimbursement.

(D) The Director or the Director's designee, who is not the Registrar of Motor Vehicles, shall serve as chairperson of the Committee and the Department of Public Safety shall provide the Committee with any support services as determined necessary by the Committee.

(E) The Committee shall study the following:

(1) The advantages and disadvantages of utilizing information reported pursuant to 49 U.S.C. 30504 that is included within the National Motor Vehicle Title Information System for making decisions on the issuance of salvage certificates of title in Ohio;

(2) The accuracy of that information; and

(3) Allowing the public to access this information in the same manner as motor vehicle title information is accessed under section 4505.141 of the Revised Code.

As part of the study, the Committee shall evaluate how other states utilize this information.

(F) Not later than January 31, 2020, the Committee shall complete its study and submit a report of its findings and any recommendations to the Governor and the General Assembly in accordance with section 101.68 of the Revised Code.

(G) Upon submission of its report, the Committee shall cease to exist.

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*Speaker* \_\_\_\_\_ *of the House of Representatives.*

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*President* \_\_\_\_\_ *of the Senate.*

Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

Sub. S. B. No. 263

132nd G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the \_\_\_\_ day of \_\_\_\_\_, A. D. 20 \_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_