

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 342

Representative Blackshear

**Cosponsors: Representatives Sheehy, Howse, Brent, Jarrells, Lepore-Hagan,
Galonski**

A BILL

To amend sections 317.08 and 317.32 of the Revised 1
Code to allow county recorders to record COVID- 2
19 vaccination record cards. 3

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

Section 1. That sections 317.08 and 317.32 of the Revised 4
Code be amended to read as follows: 5

Sec. 317.08. (A) The county recorder shall record all 6
instruments in one general record series to be known as the 7
"official records." The county recorder shall record in the 8
official records all of the following instruments that are 9
presented for recording, upon payment of the fees prescribed by 10
law: 11

(1) Deeds and other instruments of writing for the 12
absolute and unconditional sale or conveyance of lands, 13
tenements, and hereditaments; 14

(2) Notices as provided in sections 5301.47 to 5301.56 of 15
the Revised Code; 16

(3) Judgments or decrees in actions brought under section 5303.01 of the Revised Code;	17 18
(4) Declarations and bylaws, and all amendments to declarations and bylaws, as provided in Chapter 5311. of the Revised Code;	19 20 21
(5) Affidavits as provided in sections 5301.252 and 5301.56 of the Revised Code;	22 23
(6) Certificates as provided in section 5311.17 of the Revised Code;	24 25
(7) Articles dedicating archaeological preserves accepted by the director of the Ohio history connection under section 149.52 of the Revised Code;	26 27 28
(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;	29 30 31
(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	32 33
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	34 35 36 37
(11) Instruments or orders described in division (B) (2) (b) of section 5301.56 of the Revised Code;	38 39
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	40 41
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued	42 43

pursuant to section 122.654 of the Revised Code;	44
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C) (3) (a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	45 46 47 48 49 50 51
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	52 53
(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	54 55
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	56 57 58
(18) Agreements entered into under section 1506.44 of the Revised Code;	59 60
(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;	61 62 63 64 65
(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to them within one year of the date of the contracts;	66 67 68 69
(21) Options to purchase real estate, including supplements, modifications, and amendments of the options, but	70 71

no option of that nature shall be recorded if it does not state	72
a specific day and year of expiration of its validity;	73
(22) Any tax certificate sold under section 5721.33 of the	74
Revised Code, or memorandum of it, that is presented for filing	75
of record;	76
(23) Powers of attorney, including all memoranda of trust,	77
as described in division (A) of section 5301.255 of the Revised	78
Code, that do not describe specific real property;	79
(24) Plats and maps of town lots, of the subdivision of	80
town lots, and of other divisions or surveys of lands, any	81
center line survey of a highway located within the county, the	82
plat of which shall be furnished by the director of	83
transportation or county engineer, and all drawings and	84
amendments to drawings, as provided in Chapter 5311. of the	85
Revised Code;	86
(25) Leases, memoranda of leases, and supplements,	87
modifications, and amendments of leases and memoranda of leases,	88
including a lease described in section 5301.09 of the Revised	89
Code;	90
(26) Declarations executed pursuant to section 2133.02 of	91
the Revised Code and durable powers of attorney for health care	92
executed pursuant to section 1337.12 of the Revised Code;	93
(27) Unemployment compensation liens, internal revenue tax	94
liens, and other liens in favor of the United States as	95
described in division (A) of section 317.09 of the Revised Code,	96
personal tax liens, mechanic's liens, agricultural product	97
liens, notices of liens, certificates of satisfaction or partial	98
release of estate tax liens, discharges of recognizances, excise	99
and franchise tax liens on corporations, broker's liens, and	100

liens provided for in section 1513.33, 1513.37, 3752.13, 101
4141.23, ~~5111.022~~5164.56, or 5311.18 of the Revised Code; and 102

(28) Corrupt activity lien notices filed pursuant to 103
section 2923.36 of the Revised Code and medicaid fraud lien 104
notices filed pursuant to section 2933.75 of the Revised Code. 105

(B) All instruments or memoranda of instruments entitled 106
to record shall be recorded in the order in which they are 107
presented for recording. 108

The recording of an option to purchase real estate, 109
including any supplement, modification, and amendment of the 110
option, under this section shall serve as notice to any 111
purchaser of an interest in the real estate covered by the 112
option only during the period of the validity of the option as 113
stated in the option. 114

(C) In addition to the official records, a county recorder 115
may elect to keep a separate set of records that contain the 116
instruments listed in division (A) (24) of this section. 117

(D) As part of the official records, the county recorder 118
shall keep a separate set of records containing all transfers, 119
conveyances, or assignments of any type of tangible or 120
intangible personal property or any rights or interests in that 121
property if and to the extent that any person wishes to record 122
that personal property transaction and if the applicable 123
instrument is acknowledged before a notary public. If the 124
transferor is a natural person, the notice of personal property 125
transfer shall be recorded in the county in this state in which 126
the transferor maintains the transferor's principal residence. 127
If the transferor is not a natural person, the notice of 128
personal property transfer shall be recorded in the county in 129

this state in which the transferor maintains its principal place of business. If the transferor does not maintain a principal residence or a principal place of business in this state and the transfer is to a trustee of a legacy trust formed pursuant to Chapter 5816. of the Revised Code, the notice of personal property transfer shall be recorded in the county in this state where that trustee maintains a principal residence or principal place of business. In all other instances, the notice of personal property transfer shall be recorded in the county in this state where the property described in the notice is located.

(E) As part of the official records, a county recorder may elect to keep a separate set of records that contain COVID-19 vaccination record cards. If an individual certifies to the county recorder that the individual's card was lost, stolen, or destroyed, or if a parent, guardian, or custodian of a minor child certifies to the county recorder that the minor child's card was lost, stolen, or destroyed, the county recorder shall provide to the individual a certified copy of the card. A COVID-19 vaccination record card recorded with a county recorder is confidential and not a public record under section 149.43 of the Revised Code.

Sec. 317.32. The county recorder shall charge and collect the following fees, to include, except as otherwise provided in division (A) (2) of this section, base fees for the recorder's services and housing trust fund fees collected pursuant to section 317.36 of the Revised Code:

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

seventeen dollars for the first two pages and a housing trust 160
fund fee of seventeen dollars, and a base fee of four dollars 161
and a housing trust fund fee of four dollars for each subsequent 162
page, size eight and one-half inches by fourteen inches, or 163
fraction of a page, including the caption page, of such 164
instrument; 165

~~(2)~~ (2) (a) For recording and indexing an instrument 166
described in division (D) of section 317.08 of the Revised Code 167
if the photocopy or any similar process is employed, a fee of 168
twenty-eight dollars for the first two pages to be deposited as 169
specified elsewhere in this division, and a fee of eight dollars 170
to be deposited in the same manner for each subsequent page, 171
size eight and one-half inches by fourteen inches, or fraction 172
of a page, including the caption page, of that instrument. If 173
the county recorder's technology fund has been established under 174
section 317.321 of the Revised Code, of the twenty-eight 175
dollars, fourteen dollars shall be deposited into the county 176
treasury to the credit of the county recorder's technology fund 177
and fourteen dollars shall be deposited into the county treasury 178
to the credit of the county general fund. If the county 179
recorder's technology fund has not been established, the twenty- 180
eight dollars shall be deposited into the county treasury to the 181
credit of the county general fund. 182

(b) For recording a COVID-19 vaccination record card under 183
division (E) of section 317.08 of the Revised Code if the 184
photocopy or any similar process is employed, a base fee of one 185
dollar and a housing trust fund fee of one dollar per card. 186

(B) For certifying a photocopy from the record previously 187
recorded, a base fee of one dollar and a housing trust fund fee 188
of one dollar per page, size eight and one-half inches by 189

fourteen inches, or fraction of a page; for each certification	190
if the recorder's seal is required, except as to instruments	191
issued by the armed forces of the United States, a base fee of	192
fifty cents and a housing trust fund fee of fifty cents;	193
(C) For entering any marginal reference by separate	194
recorded instrument, a base fee of two dollars and a housing	195
trust fund fee of two dollars for each marginal reference set	196
out in that instrument, in addition to the fees set forth in	197
division (A) (1) of this section;	198
(D) For indexing in the real estate mortgage records,	199
pursuant to section 1309.519 of the Revised Code, financing	200
statements covering crops growing or to be grown, timber to be	201
cut, minerals or the like, including oil and gas, accounts	202
subject to section 1309.301 of the Revised Code, or fixture	203
filings made pursuant to section 1309.334 of the Revised Code, a	204
base fee of two dollars and a housing trust fund fee of two	205
dollars for each name indexed;	206
(E) For filing zoning resolutions, including text and	207
maps, in the office of the recorder as required under sections	208
303.11 and 519.11 of the Revised Code, a base fee of twenty-five	209
dollars and a housing trust fund fee of twenty-five dollars,	210
regardless of the size or length of the resolutions;	211
(F) For filing zoning amendments, including text and maps,	212
in the office of the recorder as required under sections 303.12	213
and 519.12 of the Revised Code, a base fee of ten dollars and a	214
housing trust fund fee of ten dollars regardless of the size or	215
length of the amendments;	216
(G) For photocopying a document, other than at the time of	217
recording and indexing as provided for in division (A) (1) or (2)	218

of this section, a base fee of one dollar and a housing trust 219
fund fee of one dollar per page, size eight and one-half inches 220
by fourteen inches, or fraction thereof; 221

(H) For local facsimile transmission of a document, a base 222
fee of one dollar and a housing trust fund fee of one dollar per 223
page, size eight and one-half inches by fourteen inches, or 224
fraction thereof; for long distance facsimile transmission of a 225
document, a base fee of two dollars and a housing trust fund fee 226
of two dollars per page, size eight and one-half inches by 227
fourteen inches, or fraction thereof; 228

(I) For recording a declaration executed pursuant to 229
section 2133.02 of the Revised Code or a durable power of 230
attorney for health care executed pursuant to section 1337.12 of 231
the Revised Code, or both a declaration and a durable power of 232
attorney for health care, a base fee of at least fourteen 233
dollars but not more than twenty dollars and a housing trust 234
fund fee of at least fourteen dollars but not more than twenty 235
dollars. 236

In any county in which the recorder employs the 237
photostatic or any similar process for recording maps, plats, or 238
prints the recorder shall determine, charge, and collect for the 239
recording or rerecording of any map, plat, or print, a base fee 240
of five cents and a housing trust fund fee of five cents per 241
square inch, for each square inch of the map, plat, or print 242
filed for that recording or rerecording, with a minimum base fee 243
of twenty dollars and a minimum housing trust fund fee of twenty 244
dollars; for certifying a copy from the record, a base fee of 245
two cents and a housing trust fund fee of two cents per square 246
inch of the record, with a minimum base fee of two dollars and a 247
minimum housing trust fund fee of two dollars. 248

The fees provided in this section shall be paid upon the 249
presentation of the instruments for record or upon the 250
application for any certified copy of the record, except that 251
the payment of fees for providing copies of instruments 252
conveying or extinguishing agricultural easements to the office 253
of farmland preservation in the department of agriculture under 254
division (H) of section 5301.691 of the Revised Code shall be 255
governed by that division. 256

The fees provided for in this section shall not apply to 257
the recording, indexing, or making of a certified copy or to the 258
filing of any instrument by a county land reutilization 259
corporation, its wholly owned subsidiary, or any other electing 260
subdivision as defined in section 5722.01 of the Revised Code. 261

Section 2. That existing sections 317.08 and 317.32 of the 262
Revised Code are hereby repealed. 263

Section 3. Section 317.08 of the Revised Code is presented 264
in this act as a composite of the section as amended by H.B. 9 265
of the 130th General Assembly and H.B. 141 of the 131st General 266
Assembly. The General Assembly, applying the principle stated in 267
division (B) of section 1.52 of the Revised Code that amendments 268
are to be harmonized if reasonably capable of simultaneous 269
operation, finds that the composite is the resulting version of 270
the section in effect prior to the effective date of the section 271
as presented in this act. 272