

**As Reported by the Senate Insurance and Financial Institutions
Committee**

132nd General Assembly

**Regular Session
2017-2018**

Sub. S. B. No. 263

Senators Huffman, Wilson

Cosponsors: Senators Terhar, Lehner, Sykes, Hackett, Hottinger, Beagle

A BILL

To amend sections 109.572, 147.01, 147.03, 147.04, 1
147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 2
147.37, 147.371, 147.51, 147.55, and 2303.20, to 3
enact sections 147.011, 147.021, 147.022, 4
147.031, 147.032, 147.041, 147.051, 147.141, 5
147.142, 147.542, 147.551, 147.59, 147.591, 6
147.60, 147.61, 147.62, 147.63, 147.64, 147.65, 7
and 147.66, and to repeal sections 147.02 and 8
147.09 of the Revised Code to enact the Notary 9
Public Modernization Act. 10

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

Section 1. That sections 109.572, 147.01, 147.03, 147.04, 11
147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 12
147.51, 147.55, and 2303.20 be amended and sections 147.011, 13
147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 14
147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 15
147.62, 147.63, 147.64, 147.65, and 147.66 of the Revised Code 16
be enacted to read as follows: 17

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 18

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 49
the Revised Code for an applicant who is a teacher, any offense 50
specified in section 3319.31 of the Revised Code. 51

(2) On receipt of a request pursuant to section 3712.09 or 52
3721.121 of the Revised Code, a completed form prescribed 53
pursuant to division (C)(1) of this section, and a set of 54
fingerprint impressions obtained in the manner described in 55
division (C)(2) of this section, the superintendent of the 56
bureau of criminal identification and investigation shall 57
conduct a criminal records check with respect to any person who 58
has applied for employment in a position for which a criminal 59
records check is required by those sections. The superintendent 60
shall conduct the criminal records check in the manner described 61
in division (B) of this section to determine whether any 62
information exists that indicates that the person who is the 63
subject of the request previously has been convicted of or 64
pleaded guilty to any of the following: 65

(a) A violation of section 2903.01, 2903.02, 2903.03, 66
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 67
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 68
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 69
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 70
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 71
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 72
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 73
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 74

(b) An existing or former law of this state, any other 75
state, or the United States that is substantially equivalent to 76
any of the offenses listed in division (A)(2)(a) of this 77
section. 78

(3) On receipt of a request pursuant to section 173.27, 79
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 80
5123.081, or 5123.169 of the Revised Code, a completed form 81
prescribed pursuant to division (C) (1) of this section, and a 82
set of fingerprint impressions obtained in the manner described 83
in division (C) (2) of this section, the superintendent of the 84
bureau of criminal identification and investigation shall 85
conduct a criminal records check of the person for whom the 86
request is made. The superintendent shall conduct the criminal 87
records check in the manner described in division (B) of this 88
section to determine whether any information exists that 89
indicates that the person who is the subject of the request 90
previously has been convicted of, has pleaded guilty to, or 91
(except in the case of a request pursuant to section 5164.34, 92
5164.341, or 5164.342 of the Revised Code) has been found 93
eligible for intervention in lieu of conviction for any of the 94
following, regardless of the date of the conviction, the date of 95
entry of the guilty plea, or (except in the case of a request 96
pursuant to section 5164.34, 5164.341, or 5164.342 of the 97
Revised Code) the date the person was found eligible for 98
intervention in lieu of conviction: 99

(a) A violation of section 959.13, 959.131, 2903.01, 100
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 101
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 102
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 103
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 104
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 105
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 106
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 107
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 108
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 109

2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	110
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	111
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03,	112
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321,	113
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123,	114
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02,	115
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11,	116
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36,	117
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;	118
(b) Felonious sexual penetration in violation of former	119
section 2907.12 of the Revised Code;	120
(c) A violation of section 2905.04 of the Revised Code as	121
it existed prior to July 1, 1996;	122
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	123
the Revised Code when the underlying offense that is the object	124
of the conspiracy, attempt, or complicity is one of the offenses	125
listed in divisions (A) (3) (a) to (c) of this section;	126
(e) A violation of an existing or former municipal	127
ordinance or law of this state, any other state, or the United	128
States that is substantially equivalent to any of the offenses	129
listed in divisions (A) (3) (a) to (d) of this section.	130
(4) On receipt of a request pursuant to section 2151.86 of	131
the Revised Code, a completed form prescribed pursuant to	132
division (C) (1) of this section, and a set of fingerprint	133
impressions obtained in the manner described in division (C) (2)	134
of this section, the superintendent of the bureau of criminal	135
identification and investigation shall conduct a criminal	136
records check in the manner described in division (B) of this	137
section to determine whether any information exists that	138

indicates that the person who is the subject of the request 139
previously has been convicted of or pleaded guilty to any of the 140
following: 141

(a) A violation of section 959.13, 2903.01, 2903.02, 142
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 143
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 144
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 145
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 146
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 147
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 148
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 149
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 150
2927.12, or 3716.11 of the Revised Code, a violation of section 151
2905.04 of the Revised Code as it existed prior to July 1, 1996, 152
a violation of section 2919.23 of the Revised Code that would 153
have been a violation of section 2905.04 of the Revised Code as 154
it existed prior to July 1, 1996, had the violation been 155
committed prior to that date, a violation of section 2925.11 of 156
the Revised Code that is not a minor drug possession offense, 157
two or more OVI or OVUAC violations committed within the three 158
years immediately preceding the submission of the application or 159
petition that is the basis of the request, or felonious sexual 160
penetration in violation of former section 2907.12 of the 161
Revised Code; 162

(b) A violation of an existing or former law of this 163
state, any other state, or the United States that is 164
substantially equivalent to any of the offenses listed in 165
division (A) (4) (a) of this section. 166

(5) Upon receipt of a request pursuant to section 5104.013 167
of the Revised Code, a completed form prescribed pursuant to 168

division (C) (1) of this section, and a set of fingerprint 169
impressions obtained in the manner described in division (C) (2) 170
of this section, the superintendent of the bureau of criminal 171
identification and investigation shall conduct a criminal 172
records check in the manner described in division (B) of this 173
section to determine whether any information exists that 174
indicates that the person who is the subject of the request has 175
been convicted of or pleaded guilty to any of the following: 176

(a) A violation of section 2151.421, 2903.01, 2903.02, 177
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 178
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 179
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 180
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 181
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 182
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 183
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 184
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 185
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 186
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 187
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 188
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 189
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 190
3716.11 of the Revised Code, felonious sexual penetration in 191
violation of former section 2907.12 of the Revised Code, a 192
violation of section 2905.04 of the Revised Code as it existed 193
prior to July 1, 1996, a violation of section 2919.23 of the 194
Revised Code that would have been a violation of section 2905.04 195
of the Revised Code as it existed prior to July 1, 1996, had the 196
violation been committed prior to that date, a violation of 197
section 2925.11 of the Revised Code that is not a minor drug 198
possession offense, a violation of section 2923.02 or 2923.03 of 199

the Revised Code that relates to a crime specified in this 200
division, or a second violation of section 4511.19 of the 201
Revised Code within five years of the date of application for 202
licensure or certification. 203

(b) A violation of an existing or former law of this 204
state, any other state, or the United States that is 205
substantially equivalent to any of the offenses or violations 206
described in division (A) (5) (a) of this section. 207

(6) Upon receipt of a request pursuant to section 5153.111 208
of the Revised Code, a completed form prescribed pursuant to 209
division (C) (1) of this section, and a set of fingerprint 210
impressions obtained in the manner described in division (C) (2) 211
of this section, the superintendent of the bureau of criminal 212
identification and investigation shall conduct a criminal 213
records check in the manner described in division (B) of this 214
section to determine whether any information exists that 215
indicates that the person who is the subject of the request 216
previously has been convicted of or pleaded guilty to any of the 217
following: 218

(a) A violation of section 2903.01, 2903.02, 2903.03, 219
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 220
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 221
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 222
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 223
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 224
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 225
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 226
Code, felonious sexual penetration in violation of former 227
section 2907.12 of the Revised Code, a violation of section 228
2905.04 of the Revised Code as it existed prior to July 1, 1996, 229

a violation of section 2919.23 of the Revised Code that would 230
have been a violation of section 2905.04 of the Revised Code as 231
it existed prior to July 1, 1996, had the violation been 232
committed prior to that date, or a violation of section 2925.11 233
of the Revised Code that is not a minor drug possession offense; 234

(b) A violation of an existing or former law of this 235
state, any other state, or the United States that is 236
substantially equivalent to any of the offenses listed in 237
division (A) (6) (a) of this section. 238

(7) On receipt of a request for a criminal records check 239
from an individual pursuant to section 4749.03 or 4749.06 of the 240
Revised Code, accompanied by a completed copy of the form 241
prescribed in division (C) (1) of this section and a set of 242
fingerprint impressions obtained in a manner described in 243
division (C) (2) of this section, the superintendent of the 244
bureau of criminal identification and investigation shall 245
conduct a criminal records check in the manner described in 246
division (B) of this section to determine whether any 247
information exists indicating that the person who is the subject 248
of the request has been convicted of or pleaded guilty to a 249
felony in this state or in any other state. If the individual 250
indicates that a firearm will be carried in the course of 251
business, the superintendent shall require information from the 252
federal bureau of investigation as described in division (B) (2) 253
of this section. Subject to division (F) of this section, the 254
superintendent shall report the findings of the criminal records 255
check and any information the federal bureau of investigation 256
provides to the director of public safety. 257

(8) On receipt of a request pursuant to section 1321.37, 258
1321.53, or 4763.05 of the Revised Code, a completed form 259

prescribed pursuant to division (C)(1) of this section, and a 260
set of fingerprint impressions obtained in the manner described 261
in division (C)(2) of this section, the superintendent of the 262
bureau of criminal identification and investigation shall 263
conduct a criminal records check with respect to any person who 264
has applied for a license, permit, or certification from the 265
department of commerce or a division in the department. The 266
superintendent shall conduct the criminal records check in the 267
manner described in division (B) of this section to determine 268
whether any information exists that indicates that the person 269
who is the subject of the request previously has been convicted 270
of or pleaded guilty to any of the following: a violation of 271
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 272
Revised Code; any other criminal offense involving theft, 273
receiving stolen property, embezzlement, forgery, fraud, passing 274
bad checks, money laundering, or drug trafficking, or any 275
criminal offense involving money or securities, as set forth in 276
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 277
the Revised Code; or any existing or former law of this state, 278
any other state, or the United States that is substantially 279
equivalent to those offenses. 280

(9) On receipt of a request for a criminal records check 281
from the treasurer of state under section 113.041 of the Revised 282
Code or from an individual under section 4701.08, 4715.101, 283
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 284
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 285
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 286
4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 287
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 288
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 289
Code, accompanied by a completed form prescribed under division 290

(C) (1) of this section and a set of fingerprint impressions 291
obtained in the manner described in division (C) (2) of this 292
section, the superintendent of the bureau of criminal 293
identification and investigation shall conduct a criminal 294
records check in the manner described in division (B) of this 295
section to determine whether any information exists that 296
indicates that the person who is the subject of the request has 297
been convicted of or pleaded guilty to any criminal offense in 298
this state or any other state. Subject to division (F) of this 299
section, the superintendent shall send the results of a check 300
requested under section 113.041 of the Revised Code to the 301
treasurer of state and shall send the results of a check 302
requested under any of the other listed sections to the 303
licensing board specified by the individual in the request. 304

(10) On receipt of a request pursuant to section 1121.23, 305
1315.141, 1733.47, or 1761.26 of the Revised Code, a completed 306
form prescribed pursuant to division (C) (1) of this section, and 307
a set of fingerprint impressions obtained in the manner 308
described in division (C) (2) of this section, the superintendent 309
of the bureau of criminal identification and investigation shall 310
conduct a criminal records check in the manner described in 311
division (B) of this section to determine whether any 312
information exists that indicates that the person who is the 313
subject of the request previously has been convicted of or 314
pleaded guilty to any criminal offense under any existing or 315
former law of this state, any other state, or the United States. 316

(11) On receipt of a request for a criminal records check 317
from an appointing or licensing authority under section 3772.07 318
of the Revised Code, a completed form prescribed under division 319
(C) (1) of this section, and a set of fingerprint impressions 320
obtained in the manner prescribed in division (C) (2) of this 321

section, the superintendent of the bureau of criminal 322
identification and investigation shall conduct a criminal 323
records check in the manner described in division (B) of this 324
section to determine whether any information exists that 325
indicates that the person who is the subject of the request 326
previously has been convicted of or pleaded guilty or no contest 327
to any offense under any existing or former law of this state, 328
any other state, or the United States that is a disqualifying 329
offense as defined in section 3772.07 of the Revised Code or 330
substantially equivalent to such an offense. 331

(12) On receipt of a request pursuant to section 2151.33 332
or 2151.412 of the Revised Code, a completed form prescribed 333
pursuant to division (C)(1) of this section, and a set of 334
fingerprint impressions obtained in the manner described in 335
division (C)(2) of this section, the superintendent of the 336
bureau of criminal identification and investigation shall 337
conduct a criminal records check with respect to any person for 338
whom a criminal records check is required under that section. 339
The superintendent shall conduct the criminal records check in 340
the manner described in division (B) of this section to 341
determine whether any information exists that indicates that the 342
person who is the subject of the request previously has been 343
convicted of or pleaded guilty to any of the following: 344

(a) A violation of section 2903.01, 2903.02, 2903.03, 345
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 346
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 347
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 348
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 349
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 350
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 351
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 352

2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code;	353
(b) An existing or former law of this state, any other	354
state, or the United States that is substantially equivalent to	355
any of the offenses listed in division (A)(12)(a) of this	356
section.	357
(13) On receipt of a request pursuant to section 3796.12	358
of the Revised Code, a completed form prescribed pursuant to	359
division (C)(1) of this section, and a set of fingerprint	360
impressions obtained in a manner described in division (C)(2) of	361
this section, the superintendent of the bureau of criminal	362
identification and investigation shall conduct a criminal	363
records check in the manner described in division (B) of this	364
section to determine whether any information exists that	365
indicates that the person who is the subject of the request	366
previously has been convicted of or pleaded guilty to the	367
following:	368
(a) A disqualifying offense as specified in rules adopted	369
under division (B)(2)(b) of section 3796.03 of the Revised Code	370
if the person who is the subject of the request is an	371
administrator or other person responsible for the daily	372
operation of, or an owner or prospective owner, officer or	373
prospective officer, or board member or prospective board member	374
of, an entity seeking a license from the department of commerce	375
under Chapter 3796. of the Revised Code;	376
(b) A disqualifying offense as specified in rules adopted	377
under division (B)(2)(b) of section 3796.04 of the Revised Code	378
if the person who is the subject of the request is an	379
administrator or other person responsible for the daily	380
operation of, or an owner or prospective owner, officer or	381
prospective officer, or board member or prospective board member	382

of, an entity seeking a license from the state board of pharmacy 383
under Chapter 3796. of the Revised Code. 384

(14) On receipt of a request required by section 3796.13 385
of the Revised Code, a completed form prescribed pursuant to 386
division (C) (1) of this section, and a set of fingerprint 387
impressions obtained in a manner described in division (C) (2) of 388
this section, the superintendent of the bureau of criminal 389
identification and investigation shall conduct a criminal 390
records check in the manner described in division (B) of this 391
section to determine whether any information exists that 392
indicates that the person who is the subject of the request 393
previously has been convicted of or pleaded guilty to the 394
following: 395

(a) A disqualifying offense as specified in rules adopted 396
under division (B) (8) (a) of section 3796.03 of the Revised Code 397
if the person who is the subject of the request is seeking 398
employment with an entity licensed by the department of commerce 399
under Chapter 3796. of the Revised Code; 400

(b) A disqualifying offense as specified in rules adopted 401
under division (B) (14) (a) of section 3796.04 of the Revised Code 402
if the person who is the subject of the request is seeking 403
employment with an entity licensed by the state board of 404
pharmacy under Chapter 3796. of the Revised Code. 405

(15) On receipt of a request for a criminal records check 406
under section 147.022 of the Revised Code, a completed form 407
prescribed under division (C) (1) of this section, and a set of 408
fingerprint impressions obtained in the manner prescribed in 409
division (C) (2) of this section, the superintendent of the 410
bureau of criminal identification and investigation shall 411
conduct a criminal records check in the manner described in 412

division (B) of this section to determine whether any 413
information exists that indicates that the person who is the 414
subject of the request previously has been convicted of or 415
pleaded guilty or no contest to any disqualifying offense, as 416
defined in section 147.011 of the Revised Code, or to any 417
offense under any existing or former law of this state, any 418
other state, or the United States that is substantially 419
equivalent to such a disqualifying offense. 420

(B) Subject to division (F) of this section, the 421
superintendent shall conduct any criminal records check to be 422
conducted under this section as follows: 423

(1) The superintendent shall review or cause to be 424
reviewed any relevant information gathered and compiled by the 425
bureau under division (A) of section 109.57 of the Revised Code 426
that relates to the person who is the subject of the criminal 427
records check, including, if the criminal records check was 428
requested under section 113.041, 121.08, 173.27, 173.38, 429
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 430
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 431
3721.121, 3772.07, 3796.12, 3796.13, 4749.03, 4749.06, 4763.05, 432
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 433
5153.111 of the Revised Code, any relevant information contained 434
in records that have been sealed under section 2953.32 of the 435
Revised Code; 436

(2) If the request received by the superintendent asks for 437
information from the federal bureau of investigation, the 438
superintendent shall request from the federal bureau of 439
investigation any information it has with respect to the person 440
who is the subject of the criminal records check, including 441
fingerprint-based checks of national crime information databases 442

as described in 42 U.S.C. 671 if the request is made pursuant to 443
section 2151.86 or 5104.013 of the Revised Code or if any other 444
Revised Code section requires fingerprint-based checks of that 445
nature, and shall review or cause to be reviewed any information 446
the superintendent receives from that bureau. If a request under 447
section 3319.39 of the Revised Code asks only for information 448
from the federal bureau of investigation, the superintendent 449
shall not conduct the review prescribed by division (B)(1) of 450
this section. 451

(3) The superintendent or the superintendent's designee 452
may request criminal history records from other states or the 453
federal government pursuant to the national crime prevention and 454
privacy compact set forth in section 109.571 of the Revised 455
Code. 456

(4) The superintendent shall include in the results of the 457
criminal records check a list or description of the offenses 458
listed or described in division (A)(1), (2), (3), (4), (5), (6), 459
(7), (8), (9), (10), (11), (12), (13), ~~or (14)~~, or (15) of this 460
section, whichever division requires the superintendent to 461
conduct the criminal records check. The superintendent shall 462
exclude from the results any information the dissemination of 463
which is prohibited by federal law. 464

(5) The superintendent shall send the results of the 465
criminal records check to the person to whom it is to be sent 466
not later than the following number of days after the date the 467
superintendent receives the request for the criminal records 468
check, the completed form prescribed under division (C)(1) of 469
this section, and the set of fingerprint impressions obtained in 470
the manner described in division (C)(2) of this section: 471

(a) If the superintendent is required by division (A) of 472

this section (other than division (A)(3) of this section) to 473
conduct the criminal records check, thirty; 474

(b) If the superintendent is required by division (A)(3) 475
of this section to conduct the criminal records check, sixty. 476

(C)(1) The superintendent shall prescribe a form to obtain 477
the information necessary to conduct a criminal records check 478
from any person for whom a criminal records check is to be 479
conducted under this section. The form that the superintendent 480
prescribes pursuant to this division may be in a tangible 481
format, in an electronic format, or in both tangible and 482
electronic formats. 483

(2) The superintendent shall prescribe standard impression 484
sheets to obtain the fingerprint impressions of any person for 485
whom a criminal records check is to be conducted under this 486
section. Any person for whom a records check is to be conducted 487
under this section shall obtain the fingerprint impressions at a 488
county sheriff's office, municipal police department, or any 489
other entity with the ability to make fingerprint impressions on 490
the standard impression sheets prescribed by the superintendent. 491
The office, department, or entity may charge the person a 492
reasonable fee for making the impressions. The standard 493
impression sheets the superintendent prescribes pursuant to this 494
division may be in a tangible format, in an electronic format, 495
or in both tangible and electronic formats. 496

(3) Subject to division (D) of this section, the 497
superintendent shall prescribe and charge a reasonable fee for 498
providing a criminal records check under this section. The 499
person requesting the criminal records check shall pay the fee 500
prescribed pursuant to this division. In the case of a request 501
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 502

1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 503
fee shall be paid in the manner specified in that section. 504

(4) The superintendent of the bureau of criminal 505
identification and investigation may prescribe methods of 506
forwarding fingerprint impressions and information necessary to 507
conduct a criminal records check, which methods shall include, 508
but not be limited to, an electronic method. 509

(D) The results of a criminal records check conducted 510
under this section, other than a criminal records check 511
specified in division (A)(7) of this section, are valid for the 512
person who is the subject of the criminal records check for a 513
period of one year from the date upon which the superintendent 514
completes the criminal records check. If during that period the 515
superintendent receives another request for a criminal records 516
check to be conducted under this section for that person, the 517
superintendent shall provide the results from the previous 518
criminal records check of the person at a lower fee than the fee 519
prescribed for the initial criminal records check. 520

(E) When the superintendent receives a request for 521
information from a registered private provider, the 522
superintendent shall proceed as if the request was received from 523
a school district board of education under section 3319.39 of 524
the Revised Code. The superintendent shall apply division (A)(1) 525
(c) of this section to any such request for an applicant who is 526
a teacher. 527

(F)(1) Subject to division (F)(2) of this section, all 528
information regarding the results of a criminal records check 529
conducted under this section that the superintendent reports or 530
sends under division (A)(7) or (9) of this section to the 531
director of public safety, the treasurer of state, or the 532

person, board, or entity that made the request for the criminal 533
records check shall relate to the conviction of the subject 534
person, or the subject person's plea of guilty to, a criminal 535
offense. 536

(2) Division (F)(1) of this section does not limit, 537
restrict, or preclude the superintendent's release of 538
information that relates to the arrest of a person who is 539
eighteen years of age or older, to an adjudication of a child as 540
a delinquent child, or to a criminal conviction of a person 541
under eighteen years of age in circumstances in which a release 542
of that nature is authorized under division (E)(2), (3), or (4) 543
of section 109.57 of the Revised Code pursuant to a rule adopted 544
under division (E)(1) of that section. 545

(G) As used in this section: 546

(1) "Criminal records check" means any criminal records 547
check conducted by the superintendent of the bureau of criminal 548
identification and investigation in accordance with division (B) 549
of this section. 550

(2) "Minor drug possession offense" has the same meaning 551
as in section 2925.01 of the Revised Code. 552

(3) "OVI or OVUAC violation" means a violation of section 553
4511.19 of the Revised Code or a violation of an existing or 554
former law of this state, any other state, or the United States 555
that is substantially equivalent to section 4511.19 of the 556
Revised Code. 557

(4) "Registered private provider" means a nonpublic school 558
or entity registered with the superintendent of public 559
instruction under section 3310.41 of the Revised Code to 560
participate in the autism scholarship program or section 3310.58 561

of the Revised Code to participate in the Jon Peterson special 562
needs scholarship program. 563

Sec. 147.01. (A) The secretary of state may appoint and 564
commission as notaries public as many persons who meet the 565
qualifications of division (B) of this section as the secretary 566
of state considers necessary. 567

(B) In order for a person to qualify to be appointed and 568
commissioned as a notary public, the person ~~must satisfy both~~ 569
shall demonstrate to the secretary of state that the person 570
satisfies all of the following: 571

(1) The person has attained the age of eighteen years. 572

(2) ~~One of the following applies:~~ 573

(a) ~~The~~ Except as provided in division (B) (2) (b) of this 574
section, the person is a legal resident of this state who is not 575
an attorney admitted to the practice of law in this state by the 576
Ohio supreme court. 577

(b) ~~The person is a legal resident of this state who is an~~ 578
~~attorney admitted to the practice of law in this state by the~~ 579
~~Ohio supreme court.~~ 580

~~(c)~~ The person is not a legal resident of this state, but 581
is an attorney admitted to the practice of law in this state by 582
the Ohio supreme court, and has the person's principal place of 583
business or the person's primary practice in this state. 584

(3) (a) Except as provided in division (B) (3) (b) of this 585
section, the person has submitted a criminal records check 586
report completed within the preceding six months in accordance 587
with section 147.022 of the Revised Code demonstrating that the 588
applicant has not been convicted of or pleaded guilty or no 589

contest to a disqualifying offense, or any offense under an 590
existing or former law of this state, any other state, or the 591
United States that is substantially equivalent to such a 592
disqualifying offense. 593

(b) An attorney admitted to the practice of law in this 594
state shall not be required to submit a criminal records check 595
when applying to be appointed a notary public. 596

(4) (a) Except as provided in divisions (B) (4) (b) and (c) 597
of this section, the person has successfully completed an 598
educational program and passed a test as required under section 599
147.021 of the Revised Code. 600

(b) An attorney who is admitted to the practice of law in 601
this state prior to the effective date of this amendment shall 602
not be required to complete an education program or pass a test 603
as required in division (B) (4) (a) of this section. 604

(c) An attorney who is admitted to the practice of law in 605
this state after the effective date of this amendment shall not 606
be required to pass a test as required in division (B) (4) (a) of 607
this section. 608

(C) A notary public shall be appointed and commissioned as 609
a notary public for the state. The secretary of state may revoke 610
a commission issued to a notary public upon presentation of 611
satisfactory evidence of official misconduct or incapacity. 612

(D) The secretary of state shall oversee the entire 613
process of appointing and commissioning notaries public. No 614
portion of the review or certification of applicants shall be 615
delegated to another entity, except as prescribed in this 616
chapter and as verified by the secretary of state. 617

(E) All submissions to the secretary of state for 618

receiving and renewing commissions, or notifications made under 619
section 147.05 of the Revised Code, shall be done 620
electronically. 621

Sec. 147.011. As used in this chapter: 622

(A) "Acknowledgment" means a notarial act in which the 623
signer of the notarized document acknowledges all of the 624
following: 625

(1) That the signer has signed the document; 626

(2) That the signer understands the document; 627

(3) That the signer is aware of the consequences of 628
executing the document by signing it. 629

(B) "Criminal records check" has the same meaning as in 630
section 109.572 of the Revised Code. 631

(C) "Disqualifying offense" means a crime of moral 632
turpitude as defined in section 4776.10 of the Revised Code and 633
a violation of a provision of Chapter 2913. of the Revised Code. 634

(D) "Jurat" means a notarial act in which both of the 635
following are met: 636

(1) The signer of the notarized document is required to 637
give an oath or affirmation that the statement in the notarized 638
document is true and correct; 639

(2) The signer signs the notarized document in the 640
presence of a notary public. 641

(E) "Notarial certificate" means the part of, or 642
attachment to, a document that is completed by the notary public 643
and upon which the notary public places the notary public's 644
signature and seal. 645

Sec. 147.021. (A) (1) Except as provided in division (B) (4) 646
of section 147.01 of the Revised Code, no person shall be 647
appointed as a notary public unless that person has completed an 648
educational program related to the requirements of this chapter 649
and passed a test demonstrating knowledge of such requirements. 650

(2) The secretary of state may authorize that such a 651
program be completed online. 652

(B) The secretary of state shall adopt, in rules under 653
Chapter 119. of the Revised Code, standards and curricula for 654
the educational program required under this section. The rules 655
shall address all of the following: 656

(1) The entities authorized to administer the program and 657
the required test; 658

(2) The standards and curricula of the program, which 659
shall be established in coordination with the entities 660
authorized to administer the program and the required test and 661
shall include all of the following: 662

(a) The terms of notary commission; 663

(b) How to renew a commission; 664

(c) The conditions under which a commission may be 665
revoked; 666

(d) What constitutes a legal notarial act; 667

(e) The manner of taking depositions; 668

(f) The taking of an acknowledgment; 669

(g) The administration of a jurat. 670

Sec. 147.022. (A) (1) The secretary of state shall require 671
each applicant for a notary commission, other than an attorney 672

licensed to practice law in this state, to complete a criminal records check. 673
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(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. 675
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(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. 678
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(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. 687
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(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: 691
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(1) The person who is the subject of the criminal records check or the person's representative; 697
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(2) The secretary of state and the staff of the secretary of state; 699
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(3) A court, hearing officer, or other necessary 701

individual involved in a case dealing with a commission denial 702
resulting from the criminal records check. 703

(E) The secretary of state shall deny a notary commission 704
application if, after receiving the information and notification 705
required by this section, a person subject the criminal records 706
check requirement fails to do either of the following: 707

(1) Access, complete, or forward to the superintendent of 708
the bureau of criminal identification and investigation the form 709
prescribed pursuant to division (C) (1) of section 109.572 of the 710
Revised Code or the standard impression sheet prescribed 711
pursuant to division (C) (2) of that section; 712

(2) Submit the completed report of the criminal records 713
check to the secretary of state. 714

Sec. 147.03. Each notary public, except an attorney 715
admitted to the practice of law in this state by the Ohio 716
supreme court, shall hold office for the term of five years 717
unless the commission is revoked. An attorney admitted to the 718
practice of law in this state by the Ohio supreme court shall 719
hold office as a notary public as long as the attorney is a 720
resident of this state or has the attorney's principal place of 721
business or primary practice in this state, the attorney is in 722
good standing before the Ohio supreme court, and the commission 723
is not revoked. Before entering upon the duties of office, a 724
notary public shall take and subscribe an oath to be endorsed on 725
the notary public's commission. 726

A notary public who violates the oath of office required 727
by this section shall be removed from office by the ~~court of~~ 728
~~common pleas of the county in which the notary public resides~~ 729
secretary of state, upon complaint filed and substantiated ~~in~~ 730

~~the court, and the court, upon removing a notary public from~~ 731
~~office, shall certify the removal to by~~ the secretary of state. 732
The person so removed shall be ineligible for reappointment to 733
the office of notary public. 734

Sec. 147.031. (A) (1) Except as provided in division (A) (2) 735
of this section, a commission for a notary public appointed 736
prior to the effective date of this section shall remain valid 737
until that commission's expiration date. 738

(2) A commission issued to an attorney prior to the 739
effective date of this section shall be governed by section 740
147.03 of the Revised Code. 741

(B) A commission that is set to expire as described in 742
section 147.03 of the Revised Code or as in division (A) of this 743
section shall not be renewed unless the notary submits to the 744
secretary of state all of the following: 745

(1) A new criminal records check report as required under 746
division (B) (3) of section 147.01 of the Revised Code; 747

(2) A fee of not more than sixty dollars, set by the 748
secretary of state in a rule adopted under Chapter 119. of the 749
Revised Code; 750

(3) An application for renewal on a form prescribed by the 751
secretary. 752

(C) A notary public may apply to renew the notary's 753
commission beginning three months prior to the expiration date 754
of the commission. 755

(D) If the notary public's commission expires before the 756
notary submits the application for renewal, the secretary of 757
state shall not renew that expired commission but shall permit 758

<u>the person to apply for a new notary commission.</u>	759
<u>Sec. 147.032. (A) (1) If the secretary of state believes</u>	760
<u>that a violation of this chapter has occurred, the secretary of</u>	761
<u>state may investigate such violations.</u>	762
<u>(2) The secretary of state may investigate possible</u>	763
<u>violations of this chapter upon a signed complaint from any</u>	764
<u>person.</u>	765
<u>(B) The secretary of state may hold a disciplinary hearing</u>	766
<u>if the secretary of state determines a hearing to be appropriate</u>	767
<u>after an investigation conducted under division (A) of this</u>	768
<u>section.</u>	769
<u>(C) After holding an administrative hearing and concluding</u>	770
<u>that a violation of this chapter has occurred, the secretary of</u>	771
<u>state may do any of the following:</u>	772
<u>(1) Revoke the notary public's commission;</u>	773
<u>(2) Suspend the notary public's commission for a specified</u>	774
<u>period of time or until fulfillment of a condition, such as</u>	775
<u>retraining, or both.</u>	776
<u>(3) Issue a letter of admonition that shall be placed in</u>	777
<u>the notary public's record.</u>	778
<u>(D) A person whose notary commission has been revoked may</u>	779
<u>not apply for a subsequent notary commission.</u>	780
<u>(E) The secretary of state may adopt rules under Chapter</u>	781
<u>119. of the Revised Code to set forth procedures for</u>	782
<u>investigations and hearings regarding violations of this chapter</u>	783
<u>and disciplinary actions taken.</u>	784
<u>(F) The secretary of state may establish an advisory board</u>	785

to meet as the secretary of state considers necessary to discuss 786
matters related to notary law and procedures. 787

Sec. 147.04. Before entering upon the discharge of ~~his~~ 788
~~official~~ duties, a notary public shall ~~provide himself with~~ 789
~~obtain~~ the seal of a notary public. The seal shall consist of 790
the coat of arms of the state within a circle that is at least 791
three-quarters of an inch, but not larger than one inch, in 792
diameter and shall be surrounded by the words "notary public," 793
"notarial seal," or words to that effect, the name of the notary 794
public, and the words "State of Ohio." The seal may be of either 795
a type that will stamp ink onto a document or one that will 796
emboss it. The name of the notary public may, instead of 797
appearing on the seal, be printed, typewritten, or stamped in 798
legible, printed letters near ~~his~~ the notary public's signature 799
on each document signed by ~~him~~ the notary public. ~~A notary~~ 800
~~public shall also provide himself with an official register in~~ 801
~~which shall be recorded a copy of every certificate of protest~~ 802
~~and copy of note, which seal and record shall be exempt from~~ 803
~~execution. Upon the death, expiration of term without~~ 804
~~reappointment, or removal from office of any notary public, his~~ 805
~~official register shall be deposited in the office of the county~~ 806
~~recorder of the county in which he resides.~~ 807

Sec. 147.041. A person commissioned as a notary public 808
prior to the effective date of this section may continue to use 809
a seal that met the requirements of section 147.04 of the 810
Revised Code and that was in that person's possession before 811
that date. 812

Sec. 147.05. (A) ~~Before entering upon the duties of the~~ 813
~~office of notary public, a notary public shall leave the notary~~ 814
~~public's commission with the oath endorsed on the commission~~ 815

~~with the clerk of the court of common pleas of the county in~~ 816
~~which the notary public resides. The clerk shall record the~~ 817
~~commission in a book kept for that purpose. The clerk shall~~ 818
~~endorse on the margin of the record and on the back of the~~ 819
~~commission the time that the clerk received the commission for~~ 820
~~record and make a proper index to all commissions so recorded.~~ 821
~~For recording and indexing a commission, the fee of the clerk~~ 822
~~shall be as provided in division (R) of section 2303.20 of the~~ 823
~~Revised Code.~~ 824

~~(B)~~ The secretary of state shall maintain a record of the 825
commissions of each notary public appointed and commissioned by 826
the secretary of state under this chapter and make a proper 827
index to that record. 828

The governor's office shall transfer to the secretary of 829
state's office, on or after June 6, 2001, the record of notaries 830
public formerly kept by the governor's office under section 831
107.10 of the Revised Code. The secretary of state's office 832
shall maintain that record together with the record and index of 833
commissions of notaries public required by this division. 834

~~(C)~~ (B) If a notary public legally changes the notary 835
public's name or address after having been commissioned as a 836
notary public, the notary public shall notify the secretary of 837
state and ~~the appropriate clerk of courts~~ within thirty days 838
after the name or address change. ~~Notification to the secretary~~ 839
~~of state~~ Such a notification shall be on a form prescribed by 840
the secretary of state. 841

~~(D)~~ (C) A notary, ~~other than an attorney~~, who resigns the 842
person's commission shall deliver to the secretary of state, on 843
a form prescribed by the secretary of state, a written notice 844
indicating the effective date of resignation. 845

(D) (1) A notary shall inform the secretary of state of 846
being convicted of or pleading guilty or no contest to any 847
disqualifying offense, as defined in section 147.011 of the 848
Revised Code, or any offense under an existing or former law of 849
this state, any other state, or the United States that is 850
substantially equivalent to such a disqualifying offense during 851
the term of the notary's commission. 852

(2) The secretary of state shall revoke the commission of 853
any person who is convicted of or pleads guilty or no contest to 854
a disqualifying offense, including an attorney licensed to 855
practice law in this state. 856

Sec. 147.051. The secretary of state shall maintain a 857
database of notaries public on a publicly accessible web site. 858
The web site shall provide all of the following information in 859
relation to each notary public: 860

(A) A verification of the authority and good standing of 861
the individual to perform notarial acts; 862

(B) Whether the notary is registered to perform online 863
notarizations, as defined in section 147.60 of the Revised Code; 864

(C) A description of any administrative or disciplinary 865
action taken against the notary. 866

Sec. 147.06. Upon application, the ~~clerk of the court of~~ 867
~~common pleas~~ secretary of state shall make a certified copy of a 868
notary public commission and the endorsements on the commission, 869
~~under the seal of the court.~~ The certified copy shall be prima- 870
facie evidence of the matters and facts contained in it. For 871
each certified copy of a notary public commission, the ~~clerk-~~ 872
~~secretary of state~~ shall be entitled to receive a fee of ~~two-~~ 873
~~five~~ dollars. 874

Sec. 147.07. A notary public may, throughout the state, 875
administer oaths required or authorized by law, take and certify 876
depositions, and take and certify acknowledgments of deeds, 877
mortgages, liens, powers of attorney, and other instruments of 878
writing, ~~and receive, make, and record notarial protests.~~ In 879
taking depositions, ~~he a notary public~~ shall have the power that 880
is by law vested in judges of county courts to compel the 881
attendance of witnesses and punish them for refusing to testify. 882
Sheriffs and constables are required to serve and return all 883
process issued by notaries public in the taking of depositions. 884

Sec. 147.08. (A) A notary public is entitled to the 885
following fees: 886

~~(A) For the protest of a bill of exchange or promissory 887
note, one dollar and actual necessary expenses in going beyond 888
the corporate limits of a municipal corporation to make 889
presentment or demand; 890~~

~~(B) For recording an instrument required to be recorded by 891
a notary public, ten cents for each one hundred words; 892~~

~~(C) For taking and certifying acknowledgments of deeds, 893
mortgages, liens, powers of attorney, and other instruments of 894
writing, and for taking and certifying depositions, 895
administering oaths, and other official services, the same fees 896
as are allowed by section 2319.27 of the Revised Code or by law 897
to clerks of the courts of common pleas for like services; 898~~

~~(D) For taking and certifying an affidavit, one dollar and 899
fifty cents. 900~~

(1) Up to five dollars for any notarial act that is not an 901
online notarization; 902

(2) For an online notarization, up to twenty-five dollars. 903

(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. 904
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(C) The fees charged under division (A) of this section shall not be calculated on a per signature basis. 907
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(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. 909
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(E) The secretary of state may adopt rules under Chapter 119. of the Revised Code to increase the fees authorized under this section. 913
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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. 916
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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 926
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reappointment for a period of three years.	933
<u>Sec. 147.141. (A) A notary public shall not do any of the</u>	934
<u>following:</u>	935
<u>(1) Perform a notarial act with regard to a record or</u>	936
<u>document executed by the notary;</u>	937
<u>(2) Notarize the notary's own signature;</u>	938
<u>(3) Take the notary's own deposition;</u>	939
<u>(4) Perform a notarial act if the notary has a conflict of</u>	940
<u>interest with regard to the transaction in question;</u>	941
<u>(5) Certify that a document is either of the following:</u>	942
<u>(a) An original document;</u>	943
<u>(b) A true copy of another record.</u>	944
<u>(6) Use a name or initial in signing certificates other</u>	945
<u>than that by which the notary public is commissioned;</u>	946
<u>(7) Sign notarial certificates using a facsimile signature</u>	947
<u>stamp unless the notary public has a physical disability that</u>	948
<u>limits or prohibits the notary's ability to make a written</u>	949
<u>signature and unless the notary has first submitted written</u>	950
<u>notice to the secretary of state with an example of the</u>	951
<u>facsimile signature stamp;</u>	952
<u>(8) Affix the notary's signature to a blank form of an</u>	953
<u>affidavit or certificate of acknowledgment and deliver that form</u>	954
<u>to another person with the intent that it be used as an</u>	955
<u>affidavit or acknowledgment;</u>	956
<u>(9) Take the acknowledgment of, or administer an oath or</u>	957
<u>affirmation to, a person who the notary public knows to have</u>	958
<u>been adjudicated mentally incompetent by a court of competent</u>	959

<u>jurisdiction, if the acknowledgment or oath or affirmation</u>	960
<u>necessitates the exercise of a right that has been removed;</u>	961
<u>(10) Notarize a signature on a document if it appears that</u>	962
<u>the person is mentally incapable of understanding the nature and</u>	963
<u>effect of the document at the time of notarization;</u>	964
<u>(11) Alter anything in a written instrument after it has</u>	965
<u>been signed by anyone;</u>	966
<u>(12) Amend or alter a notarial certificate after the</u>	967
<u>notarization is complete;</u>	968
<u>(13) Notarize a signature on a document if the document is</u>	969
<u>incomplete or blank;</u>	970
<u>(14) Notarize a signature on a document if it appears that</u>	971
<u>the signer may be unduly influenced or coerced so as to be</u>	972
<u>restricted from or compromised in exercising the person's own</u>	973
<u>free will when signing the document;</u>	974
<u>(15) Take an acknowledgment of execution in lieu of an</u>	975
<u>oath or affirmation if an oath or affirmation is required;</u>	976
<u>(16) Determine the validity of a power of attorney</u>	977
<u>document or any other form designating a representative</u>	978
<u>capacity, such as trustee, authorized officer, agent, personal</u>	979
<u>representative, or guardian, unless that notary is an attorney</u>	980
<u>licensed to practice law in this state.</u>	981
<u>(B) As used in this section, "conflict of interest" means</u>	982
<u>either of the following:</u>	983
<u>(1) The notary has a direct financial or other interest in</u>	984
<u>the transaction in question, excluding the fees authorized under</u>	985
<u>this chapter;</u>	986

(2) The notary is named, individually or as a grantor, 987
grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, 988
vendor, lessor, or lessee, or as a party in some other capacity 989
to the transaction. 990

Sec. 147.142. (A) A notary public who is not a licensed 991
attorney in this state shall not represent or advertise himself 992
or herself as an immigration consultant or an expert in 993
immigration matters. 994

(B) A notary public who is not a licensed attorney in this 995
state shall not do any of the following: 996

(1) Provide any service that constitutes the unauthorized 997
practice of law in violation of section 4705.07 of the Revised 998
Code; 999

(2) State or imply that the notary is an attorney licensed 1000
to practice law in this state; 1001

(3) Solicit or accept compensation to prepare documents 1002
for or otherwise represent the interest of another person in a 1003
judicial or administrative proceeding, including a proceeding 1004
relating to immigration to the United States, United States 1005
citizenship, or related matters; 1006

(4) Solicit or accept compensation to obtain relief of any 1007
kind on behalf of another from any officer, agency, or employee 1008
of this state or of the United States; 1009

(5) Use the phrase "notario" or "notario publico" to 1010
advertise the services of a notary public, whether by sign, 1011
pamphlet, stationery, or other written communication, or by 1012
radio, television, or other non-written communication. 1013

Sec. 147.37. Each~~The~~ secretary of state may charge each 1014

person receiving a commission as notary public,~~including an~~ 1015
~~attorney admitted to the practice of law in this state by the~~ 1016
~~Ohio supreme court, shall pay a fee of fifteen not more than one~~ 1017
~~hundred fifty dollars to the secretary of state.~~ 1018

Sec. 147.371. (A) Upon receipt of a fee of two dollars and 1019
an affidavit that the original commission of a notary public has 1020
been lost or destroyed, a duplicate commission as notary public 1021
shall be issued by the secretary of state. 1022

(B) Upon receipt of a fee of two dollars and the properly 1023
completed, prescribed form for a name and address change under 1024
division ~~(C)~~(B) of section 147.05 of the Revised Code, the 1025
secretary of state shall issue a duplicate commission as a 1026
notary public. 1027

Sec. 147.51. For the purposes of sections 147.51 to 147.58 1028
of the Revised Code, "notarial acts" means acts which the laws 1029
and regulations of this state authorize notaries public of this 1030
state to perform, including the administration of oaths and 1031
affirmations, taking proof of execution and acknowledgment of 1032
instruments, ~~and~~ attesting documents, and executing a jurat. 1033

Notarial acts may be performed outside this state for use 1034
in this state with the same effect as if performed by a notary 1035
public of this state by the following persons authorized 1036
pursuant to the laws and regulations of other governments, in 1037
addition to any other persons authorized by the laws and 1038
regulations of this state: 1039

(A) A notary public authorized to perform notarial acts in 1040
the place in which the act is performed; 1041

(B) A judge, clerk, or deputy clerk of any court of record 1042
in the place in which the notarial act is performed; 1043

(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

<u>regard to the notarial act.</u>	1072
<u>(2) A jurat certificate shall clearly state that an oath</u>	1073
<u>or affirmation was administered to the signer with regard to the</u>	1074
<u>notarial act.</u>	1075
<u>(E) (1) A notary public shall not use an acknowledgment</u>	1076
<u>certificate with regard to a notarial act in which an oath or</u>	1077
<u>affirmation has been administered.</u>	1078
<u>(2) A notary public shall not use a jurat certificate with</u>	1079
<u>regard to a notarial act in which an oath or affirmation has not</u>	1080
<u>been administered.</u>	1081
<u>(F) A certificate required under this section may be</u>	1082
<u>provided through any of the following means:</u>	1083
<u>(1) Preprinting on a notarial document;</u>	1084
<u>(2) Ink stamp;</u>	1085
<u>(3) Handwritten note;</u>	1086
<u>(4) A separate, attached document.</u>	1087
<u>(G) A notarial certificate shall show all of the following</u>	1088
<u>information:</u>	1089
<u>(1) The state and county venue where the notarization is</u>	1090
<u>being performed;</u>	1091
<u>(2) The wording of the acknowledgment or jurat in</u>	1092
<u>question;</u>	1093
<u>(3) The date on which the notarial act was performed;</u>	1094
<u>(4) The signature of the notary, exactly as shown on the</u>	1095
<u>notary's commission;</u>	1096
<u>(5) The notary's printed name, displayed below the</u>	1097

<u>notary's signature or inked stamp;</u>	1098
<u>(6) The notary's notarial seal and commission expiration date;</u>	1099
<u>(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.</u>	1101
<u>(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.</u>	1106
Sec. 147.55. <u>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.</u>	1110
<u>"(A) For an individual acting in his the individual's own right:</u>	1117
<u>"State of</u>	1119
<u>County of</u>	1120
The foregoing instrument was acknowledged before me this	1121
(date) by (name of person acknowledged. <u>acknowledging</u>).	1122
(Signature of person taking acknowledgment)	1123
(Title or rank)	1124

(Serial number, if any)"	1125
(B) "For a corporation:	1126
"State of	1127
County of	1128
The foregoing instrument was acknowledged before me this	1129
(date) by (name of officer or agent, title of officer or agent)	1130
of (name of corporation acknowledging), a (state or place of	1131
incorporation) corporation, on behalf of the corporation.	1132
(Signature of person taking acknowledgment)	1133
(Title or rank)	1134
(Serial number, if any)"	1135
(C) "For a partnership:	1136
"State of	1137
County of	1138
The foregoing instrument was acknowledged before me this	1139
(date) by (name of acknowledging partner or agent), partner (or	1140
agent) on behalf of (name of partnership), a partnership.	1141
(Signature of person taking acknowledgment)	1142
(Title or rank)	1143
(Serial number, if any)"	1144
(D) "For an individual acting as principal by an attorney	1145
in fact:	1146
"State of	1147
County of	1148

The foregoing instrument was acknowledged before me this 1149
(date) by (name of attorney in fact) as attorney in fact on 1150
behalf of (name of principal). 1151

(Signature of person taking acknowledgment) 1152

(Title or rank) 1153

~~(Serial number, if any)"~~ 1154

(E) "By any public officer, trustee, or personal 1155
representative: 1156

"State of 1157

County of 1158

The foregoing instrument was acknowledged before me this 1159
(date) by (name and title of position). 1160

(Signature of person taking acknowledgment) 1161

(Title or rank) 1162

~~(Serial number, if any)"~~ 1163

Sec. 147.551. Notwithstanding section 147.542 of the 1164
Revised Code, a jurat may take the following form: 1165

"State of Ohio 1166

County of 1167

Sworn to or affirmed and subscribed before me by 1168
(signature of person making jurat) this date of (date). 1169

(Signature of notary public administering jurat) 1170

(Affix seal here) 1171

(Title of rank) 1172

(Commission expiration date)" 1173

Sec. 147.59. (A) An individual whose physical 1174
characteristics limit the individual's ability to sign a 1175
document presented for notarization may direct a designated 1176
alternative signer to sign on the individual's behalf, if all of 1177
the following are met: 1178

(1) The individual clearly indicates, through oral, 1179
verbal, physical, electronic, or mechanical means, to the notary 1180
public the individual's intent for the designated alternative 1181
signer to sign the individual's name on the notarial document. 1182

(2) Both the individual and the designated alternative 1183
signer provide satisfactory identification to the notary public. 1184

(3) The designated alternative signer signs the document 1185
in the presence of the notary public. 1186

(4) The designated alternative signer is not named in the 1187
document. 1188

(5) The notarial certificate provided to the individual 1189
gives the name of the designated alternative signer and states 1190
that the document was signed under this section at the direction 1191
of the individual. 1192

(B) An individual may use a designated alternative signer 1193
to perform an online notarial act if all of the requirements of 1194
division (A) of this section are met. 1195

Sec. 147.591. (A) As used in this section, "electronic 1196
document," "electronic seal," and "electronic signature" have 1197
the same meanings as in section 147.60 of the Revised Code. 1198

(B) An electronic document that is signed in the physical 1199
presence of the notary public with an electronic signature and 1200

notarized with an electronic seal shall be considered an 1201
original document. 1202

(C) Any notary public may obtain an electronic seal and an 1203
electronic signature for the purposes of notarizing documents 1204
under this section. 1205

(D) A notary public shall comply with the provisions of 1206
section 147.66 of the Revised Code pertaining to the electronic 1207
seal and electronic signature. 1208

Sec. 147.60. As used in this section and sections 147.61 1209
to 147.66 of the Revised Code: 1210

(A) "Appear in person" means being in the same physical 1211
location as another person and being close enough to hear, 1212
communicate with, and exchange tangible identification 1213
credentials with that individual. "Appear in person" also means 1214
being in a different location as another person and interacting 1215
with that individual by means of live two-way, audio-video 1216
communication. 1217

(B) "Credential analysis" means a process or service 1218
operating according to standards adopted by the secretary of 1219
state under section 147.62 of the Revised Code through which a 1220
third person affirms the validity of a government-issued 1221
identification credential through review of public and 1222
proprietary data sources. 1223

(C) "Electronic" means relating to technology having 1224
electrical, digital, magnetic, wireless, optical, 1225
electromagnetic, or similar capabilities. 1226

(D) "Electronic document" means information that is 1227
created, generated, sent, communicated, received, or stored in 1228
an electronic medium and is retrievable in perceivable form. 1229

<u>(E) "Electronic seal" means information within a notarized</u>	1230
<u>electronic document to which all of the following apply:</u>	1231
<u>(1) The information confirms the notary public's name,</u>	1232
<u>jurisdiction, and commission expiration date.</u>	1233
<u>(2) The information generally corresponds to the contents,</u>	1234
<u>layout, and format of the notary public's seal for use on paper</u>	1235
<u>documents, as required under section 147.04 of the Revised Code.</u>	1236
<u>(F) "Electronic signature" means an electronic sound,</u>	1237
<u>symbol, or process attached to or logically associated with an</u>	1238
<u>electronic document and executed or adopted by a natural person</u>	1239
<u>with the intent to sign the electronic document.</u>	1240
<u>(G) "Identity proofing" means a process or service</u>	1241
<u>operating according to standards adopted by the secretary of</u>	1242
<u>state under section 147.62 of the Revised Code through which a</u>	1243
<u>third person affirms the identity of a natural person through</u>	1244
<u>the review of personal information from public and proprietary</u>	1245
<u>data sources.</u>	1246
<u>(H) "Notarial act" means the performance of a function</u>	1247
<u>authorized under sections 147.07 and 147.51 of the Revised Code.</u>	1248
<u>"Notarial act" does not include the taking or certifying of</u>	1249
<u>depositions.</u>	1250
<u>(I) "Online notarization" means a notarial act performed</u>	1251
<u>by means of live two-way video and audio conference technology</u>	1252
<u>that conforms to the standards adopted by the secretary of state</u>	1253
<u>under section 147.62 of the Revised Code.</u>	1254
<u>(J) "Online notary public" means a notary public who has</u>	1255
<u>been duly appointed and commissioned under section 147.01 of the</u>	1256
<u>Revised Code and has received authorization by the secretary of</u>	1257
<u>state under section 147.63 of the Revised Code to perform online</u>	1258

notarizations. 1259

(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. 1260
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(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. 1266
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(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. 1272
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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. 1276
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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: 1282
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(1) The standards, procedures, application forms, and fees 1287

<u>for the authorization of a notary public to act as an online</u>	1288
<u>notary public;</u>	1289
<u>(2) The means of performing online notarizations;</u>	1290
<u>(3) Standards for the technology to be used in online</u>	1291
<u>notarizations;</u>	1292
<u>(4) Standards for remote presentation, credential</u>	1293
<u>analysis, and identity proofing;</u>	1294
<u>(5) Standards for the retention of records relating to</u>	1295
<u>online notarizations;</u>	1296
<u>(6) The modification of forms of notarial certificates for</u>	1297
<u>any notarial act that is an online notarization;</u>	1298
<u>(7) Standards and requirements for the termination of a</u>	1299
<u>notary public's authorization to perform online notarizations.</u>	1300
<u>(B) The office of information technology in the department</u>	1301
<u>of administrative services shall provide assistance to the</u>	1302
<u>secretary of state relating to the equipment, security, and</u>	1303
<u>technological aspects of the standards established under this</u>	1304
<u>section.</u>	1305
Sec. 147.63. <u>(A) A notary public who has been duly</u>	1306
<u>appointed and commissioned under section 147.01 of the Revised</u>	1307
<u>Code, and who is a resident of this state, may apply to the</u>	1308
<u>secretary of state to be authorized to act as an online notary</u>	1309
<u>public during the term of that notary public's commission. A</u>	1310
<u>state resident commissioned as a notary public qualifies to be</u>	1311
<u>an online notary public by paying the application fee described</u>	1312
<u>by division (G) of this section and submitting to the secretary</u>	1313
<u>of state an application in the form prescribed by the secretary</u>	1314
<u>that demonstrates to the satisfaction of the secretary that the</u>	1315

applicant will comply with the standards adopted in rules under 1316
section 147.62 of the Revised Code and that the applicant is 1317
otherwise qualified to be an online notary. 1318

(B) Before an individual may be authorized to act as an 1319
online notary public, that individual shall successfully 1320
complete a course of instruction approved by the secretary of 1321
state and pass an examination based on the course. The content 1322
of the course shall include notarial rules, procedures, and 1323
ethical obligations pertaining to online notarization contained 1324
in sections 147.60 to 147.66 of the Revised Code or in any other 1325
law or rules of this state. The course may be taken in 1326
conjunction with the educational program required under section 1327
147.021 of the Revised Code for a notary public commission. 1328

(C) The application required under division (A) of this 1329
section shall be transmitted electronically to the secretary of 1330
state and shall include all of the following information: 1331

(1) The applicant's full legal name and official notary 1332
public name to be used in acting as an online notary public; 1333

(2) A description of the technology the applicant intends 1334
to use in performing online notarizations; 1335

(3) A certification that the applicant will comply with 1336
the rules adopted under section 147.62 of the Revised Code; 1337

(4) An electronic mail address of the applicant; 1338

(5) Any decrypting instructions, keys, codes, or software 1339
necessary to enable the application to be read; 1340

(6) Proof of successful completion of the course and 1341
passage of the examination required under division (B) of this 1342
section; 1343

(7) A disclosure of any and all license or commission 1344
revocations or other professional disciplinary actions taken 1345
against the applicant; 1346

(8) Any other information that the secretary of state may 1347
require. 1348

(D) (1) If the secretary of state is satisfied that an 1349
applicant meets the standards adopted in rules under section 1350
147.62 of the Revised Code, and that the applicant is otherwise 1351
qualified to be an online notary public, then the secretary 1352
shall issue to the applicant a written authorization to perform 1353
online notarizations. 1354

(2) (a) Except as provided in division (D) (2) (c) of this 1355
section, the authorization shall expire when the notary public's 1356
commission expires or is revoked under section 147.03, 147.031, 1357
or 147.032 of the Revised Code. 1358

(b) Except as provided in division (D) (2) (c) of this 1359
section, the authorization may be renewed when the notary 1360
public's commission is renewed. 1361

(c) An authorization to perform online notarizations 1362
granted to an attorney admitted to the practice of law in this 1363
state by the Ohio supreme court shall expire five years after 1364
the date the authorization is granted or when the attorney's 1365
term of office as a notary public ends pursuant to section 1366
147.03 or 147.032 of the Revised Code. 1367

(d) An attorney authorized to perform online notarizations 1368
may apply to renew the attorney's authorization three months 1369
prior to the authorization's expiration date. 1370

(3) (a) The secretary may deny an application for an online 1371
notary public if any of the required information is missing or 1372

incorrect on the application form. 1373

(b) The secretary may also deny an application if the 1374
technology the applicant identifies pursuant to division (C) (2) 1375
of this section does not conform to the standards developed by 1376
the secretary pursuant to section 147.62 of the Revised Code. 1377

(E) Nothing in this section shall be construed as 1378
prohibiting an online notary public from receiving, installing, 1379
and utilizing a software update to the technology that the 1380
online notary public disclosed pursuant to division (C) (2) of 1381
this section if that software update does not result in a 1382
technology that is materially different from the technology that 1383
the online notary public disclosed pursuant to division (C) (2) 1384
of this section. 1385

(F) (1) If a notary public changes either the hardware or 1386
the software that the notary intends to use to carry out online 1387
notarizations, then the notary shall inform the secretary of 1388
this intent on a form prescribed by the secretary. 1389

(2) If the secretary determines that the new hardware or 1390
software does not meet the standards prescribed in rules under 1391
section 147.62 of the Revised Code, then the secretary may 1392
suspend or revoke the notary's authority to perform online 1393
notarizations. 1394

(G) The secretary of state may establish a reasonable fee, 1395
not to exceed twenty-five dollars, for an application submitted 1396
under this section. 1397

Sec. 147.64. (A) (1) Except as provided in division (A) (3) 1398
of this section, an online notary public has the authority to 1399
perform any notarial act as an online notarization. 1400

(2) An electronic document notarized through an online 1401

notarization shall be considered an original document. 1402

(3) An online notary public shall not take or certify a 1403
deposition as an online notarization. 1404

(B) A notary public of this state who has been authorized 1405
by the secretary of state to perform online notarizations may 1406
perform online notarizations only if both of the following 1407
conditions are met: 1408

(1) The online notary public is a resident of this state. 1409

(2) The online notary public is located within the 1410
geographical boundaries of this state at the time of the online 1411
notarization. 1412

(C) (1) A notary public may perform an online notarization 1413
by means of audio-video communication in compliance with this 1414
act and any other rules adopted by the secretary of state for 1415
any principal who is located within the territory of the United 1416
States. 1417

(2) A notary public may perform an online notarization for 1418
a principal located outside the territory of the United States 1419
only if both of the following conditions are met: 1420

(a) The act is not known by the notary public to be 1421
prohibited in the jurisdiction in which the principal is 1422
physically located at the time of the act. 1423

(b) The record meets any of the following: 1424

(i) Is part of, or pertains to, a matter that is to be 1425
filed with or is before a court, governmental entity, or other 1426
entity located in the territorial jurisdiction of the United 1427
States; 1428

<u>(ii) Involves real or personal property located in the</u>	1429
<u>territorial jurisdiction of the United States;</u>	1430
<u>(iii) Is part of, or pertains to, a transaction</u>	1431
<u>substantially connected with the United States.</u>	1432
<u>(D) If an online notarization requires a principal to</u>	1433
<u>appear before an online notary public, the principal shall</u>	1434
<u>appear in person before the notary public and the principal and</u>	1435
<u>the notary public shall each sign the record with an electronic</u>	1436
<u>signature.</u>	1437
<u>(E) (1) In performing an online notarization, a notary</u>	1438
<u>public shall determine from personal knowledge or satisfactory</u>	1439
<u>evidence of identity as described in division (E) (2) of this</u>	1440
<u>section that the principal appearing before the notary by means</u>	1441
<u>of live audio-video communication is the individual that he or</u>	1442
<u>she purports to be.</u>	1443
<u>(2) A notary public has satisfactory evidence of identity</u>	1444
<u>if the notary can identify the individual who appears in person</u>	1445
<u>before the notary by means of audio-video communication based on</u>	1446
<u>either of the following:</u>	1447
<u>(a) All of the following:</u>	1448
<u>(i) Remote presentation by the principal of a government-</u>	1449
<u>issued identification credential, including a passport or</u>	1450
<u>driver's license, that contains the signature and photograph of</u>	1451
<u>the principal;</u>	1452
<u>(ii) Credential analysis of the identification credentials</u>	1453
<u>provided;</u>	1454
<u>(iii) Identity proofing of the principal.</u>	1455
<u>(b) Verification by one or more credible witnesses who</u>	1456

appear in person before the notary and who can be identified by 1457
either personal knowledge or all of the following: 1458

(i) Presentation of a government-issued identification 1459
credential, including a passport or driver's license, that 1460
contains the signature and photograph of the witness; 1461

(ii) Credential analysis of the identification credentials 1462
provided; 1463

(iii) Identity proofing of the witness. 1464

(F) The secretary of state shall include in rules adopted 1465
under section 147.62 of the Revised Code modified forms of 1466
notarial certificates for any notarial act that is an online 1467
notarization. 1468

Sec. 147.65. (A) An online notary public shall maintain 1469
one or more electronic journals in which the online notary 1470
public records, in chronological order, all online notarizations 1471
that the online notary public performs. The electronic journal 1472
shall enable access by a password or other secure means of 1473
authentication and be in a tamper-evident electronic format 1474
complying with the rules of the secretary of state adopted under 1475
section 147.62 of the Revised Code. 1476

(B) For every online notarization, the online notary 1477
public shall record the following information in the electronic 1478
journal: 1479

(1) The date and time of the notarial act; 1480

(2) The type of notarial act; 1481

(3) The title or a description of the record being 1482
notarized, if any; 1483

<u>(4) The electronic signature of each principal;</u>	1484
<u>(5) The printed full name and address of each principal;</u>	1485
<u>(6) If identification of the principal is based on</u> <u>personal knowledge, a statement to that effect;</u>	1486 1487
<u>(7) If identification of the principal is based on</u> <u>satisfactory evidence of identity pursuant to division (E) (2) of</u> <u>section 147.64 of the Revised Code, a description of the</u> <u>evidence relied upon, including the date of issuance or</u> <u>expiration of any identification credential presented;</u>	1488 1489 1490 1491 1492
<u>(8) If identification of the principal is based on a</u> <u>credible witness or witnesses, the name of the witness or</u> <u>witnesses;</u>	1493 1494 1495
<u>(9) If the notarization was not performed at the online</u> <u>notary public's business address, the address where the</u> <u>notarization was performed;</u>	1496 1497 1498
<u>(10) A description of the online notarization system used;</u>	1499
<u>(11) The fee, if any, charged by the notary;</u>	1500
<u>(12) The name of the jurisdiction in which the principal</u> <u>was located at the time of the online notarization;</u>	1501 1502
<u>(13) The recording upon which the identification of the</u> <u>principal is based, as required under division (D) (3) of this</u> <u>section;</u>	1503 1504 1505
<u>(14) Any other information required by the secretary of</u> <u>state.</u>	1506 1507
<u>(C) An online notary public shall not record a social</u> <u>security number in the electronic journal.</u>	1508 1509
<u>(D) An online notary public shall do all of the following:</u>	1510

- (1) Take reasonable steps to ensure the integrity, 1511
security, and authenticity of online notarizations; 1512
- (2) Take reasonable steps to ensure that the two-way, 1513
audio-video communication used in an online notarization is 1514
secure from unauthorized interception; 1515
- (3) Create and maintain pursuant to this section a 1516
complete recording of the audio-video communication that is the 1517
basis for identification of a principal for each online 1518
notarization; 1519
- (4) Maintain a backup for the electronic journal required 1520
by division (A) of this section and the audio-video recordings 1521
required by division (D) (3) of this section; 1522
- (5) (a) Safeguard the electronic journal and all other 1523
notarial records by doing all of the following: 1524
- (i) Not allowing the electronic journal to be used by 1525
another notary; 1526
- (ii) Creating the audio-video recording required under 1527
division (D) (3) of this section in a tamper-evident electronic 1528
format complying with the rules of the secretary of state 1529
adopted under section 147.62 of the Revised Code; 1530
- (iii) Protecting the electronic journal and audio-video 1531
recordings from unauthorized use. 1532
- (b) An online notary public may use a third party to keep 1533
and store the electronic journal. The secretary of state shall 1534
adopt, in rules under Chapter 119. of the Revised Code, 1535
standards pertaining to the use of such a third party. 1536
- (6) Surrender or destroy the electronic journal and all 1537
other notarial records only by rule of law, by court order, or 1538

at the direction of the secretary of state; 1539

(7) Not surrender the electronic journal to an employer 1540
upon termination of employment. 1541

(E) (1) An employer shall not retain the electronic journal 1542
of an employee who is an online notary public when the notary's 1543
employment ceases. 1544

(2) Notwithstanding division (E) (1) of this section, an 1545
online notary public may make an agreement with a current or 1546
former employer pursuant to division (D) (5) (b) of this section. 1547

(3) An online notary public may use any current or former 1548
employer approved as a repository by the secretary of state to 1549
meet all applicable repository requirements of this section or 1550
section 147.66 of the Revised Code and any associated rules. 1551

(F) (1) Except as provided in division (E) of section 1552
147.66 of the Revised Code, an electronic journal required under 1553
division (A) of this section and the audio-video recordings 1554
required by division (D) (3) of this section shall be maintained 1555
by the online notary public during the term of the online notary 1556
public's authorization to perform online notarizations. 1557

(2) Upon the expiration, pursuant to division (D) (2) of 1558
section 147.63 of the Revised Code, of the notary public's 1559
authorization to conduct online notarizations, the online notary 1560
public shall transmit the electronic journal to the secretary of 1561
state or to a repository approved by the secretary of state. The 1562
secretary of state or repository shall maintain the electronic 1563
journal for a period of ten years. If the electronic journal is 1564
transmitted to a repository, the online notary public shall 1565
inform the secretary of state where the journal is located 1566
during this period. 1567

(3) If the notary public renews the notary public's authorization to conduct online notarizations pursuant to division (D)(2) 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. 1568
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(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: 1574
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1576
1577

(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. 1578
1579
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(b) The notary does not surrender possession or control of the journal. 1581
1582

(c) The person is shown or given a copy of only the entry or entries specified. 1583
1584

(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. 1585
1586
1587

(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. 1588
1589
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(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. 1591
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(4) An attorney authorized to conduct online notarizations 1595

shall only allow inspection, or provide copies, of an entry or 1596
entries in the attorney's journal if the requesting party was a 1597
principal in the transaction or transactions to which the 1598
journal entry or entries apply or if the requesting party is 1599
acting on a principal's behalf. An attorney may deny a request 1600
to inspect or receive copies of a journal entry based on 1601
attorney-client privilege. 1602

(5) The secretary of state, or a repository approved by 1603
the secretary of state, shall only allow inspection, or provide 1604
copies of, an entry or entries in a journal deposited with the 1605
secretary or the repository by an attorney authorized to conduct 1606
online notarizations if the requesting party was a principal in 1607
the transaction or transactions to which the journal entry or 1608
entries apply or if the requesting party is acting on a 1609
principal's behalf. 1610

(H) (1) The journal may be examined and copied without 1611
restriction by a law enforcement officer, as defined in section 1612
2901.01 of the Revised Code, in the course of an official 1613
investigation, subpoenaed by court order, or surrendered at the 1614
direction of the secretary of state. 1615

(2) Notwithstanding division (H) (1) of this section, an 1616
attorney authorized to conduct online notarizations may object 1617
to the examination, or copying, of the attorney's journal 1618
pursuant to division (H) (1) of this section based on attorney- 1619
client privilege. 1620

Sec. 147.66. (A) An online notary public shall take 1621
reasonable steps to ensure that any device or software used to 1622
create an official electronic signature is current and has not 1623
been recalled or declared vulnerable by the device or software's 1624
manufacturer, seller, or developer. 1625

(B) (1) An online notary public shall do both of the 1626
following: 1627

(a) Except as provided in division (D) (5) (b) of section 1628
147.65 of the Revised Code, keep the online notary public's 1629
electronic journal, official electronic signature, and 1630
electronic seal secure and under the online notary public's 1631
exclusive control; 1632

(b) Use the online notary public's official electronic 1633
signature and electronic seal only for performing online 1634
notarizations or notarizations pursuant to section 147.591 of 1635
the Revised Code. 1636

(2) An online notary public shall not allow another person 1637
to use the online notary public's electronic journal, official 1638
electronic signature, or electronic seal. 1639

(C) (1) A third party keeping and storing electronic 1640
journals for online notaries public pursuant to division (D) (5) 1641
(b) of section 147.65 of the Revised Code shall immediately, 1642
upon discovery, notify the secretary of state, an appropriate 1643
law enforcement agency, and any affected online notaries public 1644
of the unauthorized access, modification, transfer, duplication, 1645
or use of any electronic journals in the third party's 1646
possession or control. 1647

(2) If notice has not already been given pursuant to 1648
division (C) (1) of this section, a third party keeping and 1649
storing electronic journals for online notaries public pursuant 1650
to division (D) (5) (b) of section 147.65 of the Revised Code 1651
shall immediately, upon discovery, notify the secretary of state 1652
and any affected online notaries public of the loss of any 1653
electronic journals in the third party's possession or control. 1654

(3) If notice has not already been given pursuant to 1655
division (C) (1) or (2) of this section, an online notary public 1656
shall immediately, upon discovery, notify an appropriate law 1657
enforcement agency and the secretary of state of the 1658
unauthorized access, modification, transfer, duplication, or use 1659
of the online notary public's electronic journal, official 1660
electronic signature, or electronic seal. 1661

(4) If notice has not already been given pursuant to 1662
division (C) (1), (2), or (3) of this section, an online notary 1663
public shall immediately notify the secretary of state of the 1664
loss of the online notary public's electronic journal, official 1665
electronic signature, or electronic seal. 1666

(D) An online notary public shall attach the online notary 1667
public's electronic signature and electronic seal to the 1668
notarial certificate of an electronic document in a manner that 1669
is capable of independent verification and renders any 1670
subsequent change or modification to the electronic document 1671
evident. 1672

(E) (1) (a) Upon resignation, revocation, or expiration 1673
without renewal of an online notary public commission, the 1674
online notary public shall transmit the electronic journal to 1675
the secretary of state or to a repository approved by the 1676
secretary of state. This requirement does not apply to 1677
electronic journals that, as of the date of the resignation or 1678
expiration, were no longer kept in accordance with division (F) 1679
of section 147.65 of the Revised Code. If the electronic journal 1680
is transmitted to a repository, the online notary public shall 1681
inform the secretary of state where the journal is located 1682
during this period. 1683

(b) Upon death or adjudicated incompetence of a current or 1684

former notary public, the executor or administrator of the 1685
online notary public's estate, the notary's guardian, or any 1686
other person knowingly in possession of the online notary 1687
public's electronic journal, shall transmit the journal to the 1688
secretary of state or to a repository approved by the secretary 1689
of state. 1690

(2) The online notary public, the notary's personal 1691
representative or guardian, or the administrator or the executor 1692
of the notary's estate shall provide access instructions to the 1693
secretary of state for any electronic journal maintained or 1694
stored by the online notary public, upon commission resignation, 1695
revocation, or expiration without renewal, or upon the death or 1696
adjudicated incompetence of the online notary public, if that 1697
person is in possession of such instructions. 1698

(3) The secretary of state or repository receiving a 1699
journal transmitted under division (E) (1) of this section shall 1700
maintain the journal for a period of ten years. 1701

Sec. 2303.20. Under the circumstances described in 1702
sections 2969.21 to 2969.27 of the Revised Code, the clerk of 1703
the court of common pleas shall charge the fees and perform the 1704
other duties specified in those sections. In all other cases, 1705
the clerk shall charge the following fees and no more: 1706

(A) Twenty-five dollars for each cause of action which 1707
shall include the following: 1708

(1) Docketing in all dockets; 1709

(2) Filing necessary documents, noting the filing of the 1710
documents, except subpoena, on the dockets; 1711

(3) Issuing certificate of deposit in foreign writs; 1712

(4) Indexing pending suits and living judgments;	1713
(5) Noting on appearance docket all papers mailed;	1714
(6) Certificate for attorney's fee;	1715
(7) Certificate for stenographer's fee;	1716
(8) Preparing cost bill;	1717
(9) Entering on indictment any plea;	1718
(10) Entering costs on docket and cash book.	1719
(B) Two dollars for taking each undertaking, bond, or recognizance;	1720 1721
(C) Two dollars for issuing each writ, order, or notice, except subpoena;	1722 1723
(D) Two dollars for each name for issuing subpoena, swearing witness, entering attendance, and certifying fees;	1724 1725
(E) Twenty-five dollars for calling a jury in each cause;	1726
(F) Two dollars for each page, for entering on journal, indexing, and posting on any docket;	1727 1728
(G) Three dollars for each execution or transcript of judgment, including indexing;	1729 1730
(H) One dollar for each page, for making complete record, including indexing;	1731 1732
(I) Five dollars for certifying a plat recorded in the county recorder's office;	1733 1734
(J) Five dollars for issuing certificate to receiver or order of reference with oath;	1735 1736
(K) Five dollars for entering satisfaction or partial	1737

satisfaction of each lien on record in the county recorder's office, and the clerk of courts' office;	1738
	1739
(L) One dollar for each certificate of fact under seal of the court, to be paid by the party demanding it;	1740
	1741
(M) One dollar for taking each affidavit, including certificate and seal;	1742
	1743
(N) Two dollars for acknowledging all instruments in writing;	1744
	1745
(O) Five dollars for making certificate of judgment;	1746
(P) Ten dollars for filing, docketing, and endorsing a certificate of judgment, including the indexing and noting the return of the certificate;	1747
	1748
	1749
(Q) Twenty-five dollars for each cause of action for each judgment by confession, including all docketing, indexing, and entries on the journal;	1750
	1751
	1752
(R) Five dollars for recording commission of mayor or notary public ;	1753
	1754
(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;	1755
	1756
	1757
(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;	1758
	1759
	1760
(U) Twenty-five dollars for docketing and indexing each appeal, including the filing and noting of all necessary documents;	1761
	1762
	1763
(V) A commission of two per cent on the first ten thousand	1764

dollars and one per cent on all exceeding ten thousand dollars 1765
for receiving and disbursing money, other than costs and fees, 1766
paid to or deposited with the clerk of courts in pursuance of an 1767
order of court or on judgments, including moneys invested by 1768
order of the court and interest earned on them; 1769

(W) Five dollars for numbering, docketing, indexing, and 1770
filing each authenticated or certified copy of the record, or 1771
any portion of an authenticated or certified copy of the record, 1772
of an extra county action or proceeding; 1773

(X) Two dollars for each certificate of divorce, 1774
annulment, or dissolution of marriage to the bureau of vital 1775
statistics; 1776

(Y) Two dollars for each electronic transmission of a 1777
document, plus one dollar for each page of that document. These 1778
fees are to be paid by the party requesting the electronic 1779
transmission. 1780

(Z) One dollar for each page, for copies of pleadings, 1781
process, record, or files, including certificate and seal. 1782

Section 2. That existing sections 109.572, 147.01, 147.03, 1783
147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 1784
147.371, 147.51, 147.55, and 2303.20 and sections 147.02 and 1785
147.09 of the Revised Code are hereby repealed. 1786

Section 3. Sections 1 and 2 of this act take effect one 1787
year after this act's effective date. 1788