



OHIO LEGISLATIVE SERVICE COMMISSION

Synopsis of House Committee Amendments*

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Sub. S.B. 263

132nd General Assembly
(H. Government Accountability and Oversight)

Attorney notary requirements

Specifies that an attorney who is commissioned as a notary, as opposed to an attorney who is admitted to the practice of law, *prior* to the effective date of the notary provisions is not required to meet the education or test requirements imposed by the bill.

Specifies that an attorney who applies to be commissioned as a notary, as opposed to an attorney who is admitted to the practice of law, *after* the effective date of the notary provisions is not required to pass a test to become a notary, but is required to complete a related education program.

Secretary of State

Maintains the requirement in the Senate-passed version that the Secretary of State designate those entities authorized to administer the notary educational program and test, but also requires those approved entities to include both of the following:

- Entities currently performing such services;
- Entities that have a business relationship with those entities already performing such services.

Requires the rules adopted by the Secretary pertaining to the educational program and examination to specify the provisions and content of the required test.

Requires the Secretary to work with the entities authorized to provide the education course and examination to establish the content of the test.

Requires, as opposed to authorizes, as in the Senate-passed version, the Secretary to establish a fee of up to \$150 to be paid by each person receiving a notary commission.

* This synopsis does not address amendments that may have been adopted on the House Floor.

Specifies that a person receiving a notary commission is to remit the fee to the entity that administered the educational program and test to the person and specifies that a portion of this fee is to go to the Secretary.

Requires the Secretary to adopt rules pertaining to all of the following:

- The fee amount;
- The amount a notary is to pay to the Secretary;
- The amount an attorney notary is to pay to the entity that administered the educational program.

Requires the Secretary to approve one business entity comprised of bar associations with statewide scope and regional presence that have expertise and experience in notary laws and processes to provide the online authorization course and test.

Prohibited actions

Clarifies the Senate-passed prohibition on certifying that a document is either an original document or a true copy of another record to specify that this prohibition is not to be construed as prohibiting a notary from notarizing the signature of someone else certifying that the document is a true copy of an original document.

Electronic signatures

Specifies that a printed copy of an electronic document signed in the physical presence of a notary is to be accepted by county auditors, engineers, and recorders and is not to be rejected solely by reason of containing electronic signatures or an electronic notarization, if that document contains a specified notarial certificate .

Renewal requirements

Specifies that an online authorization is not to be renewed unless the applicant submits to the educational entity authorized to conduct the online notarization education and examination, a fee of not more than \$240, a renewal application form; and evidence of having completed continuing education.

Specifies that if an online authorization expires before the notary submits the application for renewal, the Secretary of State is prohibited from renewing the expired authorization, but may allow that person to apply for a new authorization.

Requires online notaries to complete continuing education and requires the Secretary to adopt rules specifying the number of hours required and the content of the education.

Electronic seal fee

Allows the Secretary to charge each person who is registering to be an online notary a fee for the online notary course of instruction and the examination.

Prohibits the Secretary from charging such a fee to a notary obtaining such items solely for the purpose of conducting in-person electronic notarizations.

Requires an online notary to remit the fee to the entity authorized to conduct the online notarization education course, with a portion of the fee, not to exceed \$20, being sent to the Secretary.

Requires the Secretary to adopt rules setting the fee and the portion the fee to be submitted to the Secretary, with the fee being restricted to no more than \$600.

Salvage certificate of title

Specifies that a certificate of title for a vehicle that an insurer has decided to purchase rather than repair, as well as any supporting power of attorney or application for a salvage certificate of title, is exempt from the standard notarization and verification requirements of the Certificate of Motor Vehicle Title Law.

Specifies that an application for a salvage certificate of title for a vehicle that an insurance company has obtained for which a physical certificate of title was not issued is exempt from the standard notarization and verification requirements of the Certificate of Motor Vehicle Title Law.

Specifies that a power of attorney included with such an application is not required to conform to the standard signature requirements prescribed for a power of attorney.

Salvage motor vehicle database

Moves oversight of the Statewide Salvage Motor Vehicle Database to the Department of Public Safety or a third-party provider pursuant to a contract with the Department.

Study committee

Creates the National Motor Vehicle Title Information System Utilization Study Committee.

Oil and gas land professionals

Exempts oil and land gas professionals from the Real Estate Broker Licensing Law, but requires such professionals to register with the Superintendent of Real Estate and make certain disclosures.

Effective dates

Applies various effective dates as follows:

- Provisions related to notaries and online notaries, except those authorizing the Secretary to adopt associated rules, effective six months after the bill's effective date;
- Provisions related to the transfer of oversight of the Salvage Motor Vehicle Database effective July 1, 2019;
- All other provisions would be effective at the earliest time permitted by law, which would be the standard 90-day effective date.