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Substitute Bill Comparative Synopsis

Sub. H.B. 339

134th General Assembly

House Civil Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (I_134_1517-2)	Latest Version (I_134_1517-3)
Bond requirements for notary public	
No provisions.	Prohibits a notary public from notarizing an electronic document that is a will, trust, power of attorney, or other estate planning document identified in rule by the Secretary of State unless the notary has filed with the Secretary's office satisfactory evidence that the notary has obtained a bond that meets all of the following and the bond is still in effect (<i>R.C. 147.591(E)</i>): <ol style="list-style-type: none"><li data-bbox="885 1373 1372 1438">1. The bond is in the amount of at least \$25,000.<li data-bbox="885 1461 1409 1598">2. The bond is payable to any individual harmed by a notary's breach of duty acting in the official capacity as a notary public.<li data-bbox="885 1621 1386 1719">3. The bond is conditioned on the notary faithfully discharging the duties of the notary public office.<li data-bbox="885 1743 1417 1841">4. The bond is on terms specified in rule by the Secretary as reasonably necessary to protect the public.

Previous Version (I_134_1517-2)	Latest Version (I_134_1517-3)
Errors and omissions insurance requirements for notary public	
No provisions.	<p>Prohibits a notary public from notarizing an electronic document that is a will, trust, power of attorney, or other estate planning document identified in rule by the Secretary of State unless the notary has filed with the Secretary's office satisfactory evidence that the notary has obtained errors and omissions insurance from an insurer authorized to engage in the insurance business in Ohio that meets both of the following and the insurance is still in effect (<i>R.C. 147.591(F)</i>):</p> <ol style="list-style-type: none"> 1. The insurance is in the amount of at least \$25,000. 2. The insurance is on the terms and conditions specified in rule by the Secretary as reasonably necessary to protect the public.
Secretary of State rules	
No provision.	<p>Requires the Secretary of State to adopt rules specifying the types of electronic estate-related documents that require a bond and errors and omissions insurance described above and other terms and conditions the Secretary considers reasonably necessary to protect the public (<i>R.C. 147.591(G)</i>).</p>
Database of notaries public	
No provision.	<p>Expands the types of information in the database of notaries public on a publicly accessible website maintained by the Secretary of State to include whether the notary has filed evidence satisfactory to the Secretary that the notary has obtained the necessary bond and errors and omissions insurance to notarize electronic estate planning documents as described above (<i>R.C. 147.051(D)</i>).</p>

Previous Version (I_134_1517-2)	Latest Version (I_134_1517-3)
Notary public services as a consumer transaction	
No provision.	Expands the definition of “consumer transaction” for purposes of the Consumer Sales Practices Law, to also mean services provided by a notary public to a testator in the acknowledgement, certification, and attestation pertaining to the testator’s electronic will under the bill’s provisions (<i>R.C. 1345.01(A)</i>).
Electronic wills subject to Consumer Sales Practices Act	
No provision.	Specifies that electronic wills are subject to the Consumer Sales Practices Act (<i>R.C. 2107.03(G)</i>).