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Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

H.B. 567 of the 134th General Assembly

Senate Judiciary

Ashley F. Dean, Attorney

Notarial certificates and forms of acknowledgments and jurats

Redefines “acknowledgment” to mean an individual’s declaration before a notary that the individual has signed a record for the purpose stated in the record, and if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the person identified in the record.

Removes the requirement that the notarial certificate for an acknowledgment or jurat indicate the type of notarization being performed.

Adds a new form of acknowledgment for limited liability companies. Changes the authorized form of a jurat, from the signature of the person making the jurat (current law) to the “name of signer.”

Notary application criminal records check

Exempts peace officers from the requirement of obtaining a criminal records check as part of the officer’s application to be a notary public. Under current law, only Ohio-licensed attorneys are exempt from this requirement.

Record of orders made out of court

Aligns the requirements for recording orders made out of court with the Rules of Superintendence for the Courts of Ohio.

Board of county commissioners duties in relation to clerk of the court of common pleas

Replaces the specific list of items required to be provided by the board of county commissioners to the clerk of the court of common pleas with more general language.

Indefinite concurrent jurisdiction in operating PIVOT drug recovery program

Allows the Tiffin-Fostoria Municipal Court and the Seneca County Court of Common Pleas to exercise concurrent jurisdiction in operating the Participating in Victory of Transition (PIVOT) drug recovery program indefinitely.

Clerk of the court of common pleas records

Removes the requirement that the clerk of the court of common pleas keep at least four books and use materials that comply with the minimum standards prescribed by the National Bureau of Standards, and instead requires the clerk to keep records as indicated by the Rules of Superintendence for the Courts of Ohio.

Recordkeeping and maintenance

Aligns the duty of the common pleas court clerk to maintain records with the Rules of Superintendence for the Courts of Ohio.

Clerk of court immunity for certain documents posted online

Requires a party to an action or proceeding to omit personal identifiers from a case document submitted to the court or filed with the clerk of court pursuant to Superintendence Rule 45.

Grants immunity to a clerk of court who posts on its website a case document with personal identifiers.

Defines “case document” and “personal identifiers.”

Electronic court documents

Permits pleadings or documents filed with the clerk of court in paper format to be converted to electronic format, and documents created by the clerk to be created in electronic format.

Specifies that when pleadings or documents are received, created, or converted to an electronic format, that format must be considered the official version of the record.

Transfer of certain vehicles involving a minor

For the sale, purchase, disposal, acquisition, or other transfer of a motor vehicle by a minor, adds a licensed motor vehicle dealer (or the dealer’s designee) to the list of people who may witness a parent or guardian’s signature on the Bureau of Motor Vehicles (BMV) form that must accompany the certificate of title application. (Current law allows a clerk or deputy clerk of court or a notary to so witness the signature.)

Requires the motor vehicle dealer or the dealer’s designee, if applicable, to sign a statement acknowledging that the dealer used reasonable diligence in ascertaining the age of the minor and the identity of the adult who signed the form.

For the sale, purchase, disposal, acquisition, or other transfer of an all-purpose vehicle or off-highway motorcycle, authorizes a dealer or the dealer’s designee filing the certificate of

title application with the clerk of court to submit a signed statement that the dealer/designee did both of the following:

--Used reasonable diligence in ascertaining the age of the minor and the identity of the adult who signed the form; and

--That the adult provided the necessary identification establishing that the adult is the individual who signed the form.

Certificate of motor vehicle title notary requirements

When a person grants a licensed motor vehicle dealer (or the dealer's agent) a power of attorney related to the transfer of a motor vehicle title, removes the requirements that the power of attorney be notarized (unless requested by a clerk of court to correct certain title documents).

Generally, removes notary requirements when a licensed motor vehicle dealer is a party to the transfer of a motor vehicle for all of the following documents:

1. The motor vehicle certificate of title;
2. An application for a motor vehicle certificate of title;
3. Assignment of ownership for a motor vehicle;
4. Power of attorney to title a motor vehicle; and
5. Any other document required by the clerk of courts for the titling of a motor vehicle.

Nonresident purchaser of a motor vehicle tax affidavit

Authorizes a nonresident consumer that purchases a motor vehicle in Ohio and who intends to both (1) immediately remove the motor vehicle from Ohio for use outside Ohio and (2) title or register the vehicle in another state (if such titling or registration is required) to sign a statement certifying this intent, rather than an affidavit, as under current law. (The affidavit/statement exempts the consumer from the typical sales and use taxes due on the purchase of the motor vehicle.)

Requires the motor vehicle dealer to have the statement signed in duplicate (rather than in triplicate) if the statement is nonelectronic or signed once if the statement is signed electronically, and to submit the statement to the clerk of courts to be forwarded to the Tax Commissioner.

Nonresident purchaser of a watercraft or outboard motor

Requires the nonresident consumer who purchases a watercraft or outboard motor and intends to immediately remove it to another state (for similar reasons as above) to execute the corresponding affidavit in duplicate (rather than in triplicate).