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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

**S.B. 130**  
**135<sup>th</sup> General Assembly**

## **Fiscal Note & Local Impact Statement**

[Click here for S.B. 130's Bill Analysis](#)

**Version:** As Reported by Senate Small Business and Economic Opportunity

**Primary Sponsor:** Sen. Wilson

**Local Impact Statement Procedure Required:** No

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### **Highlights**

- The bill eliminates the \$50 fee for a certificate of correction filed with respect to the registration or assumed name of a limited liability company (LLC). This would result in a minimal loss of fee revenue to the Business Services Fund (Fund 5990).

### **Detailed Analysis**

#### **LLC changes**

The bill eliminates the \$50 fee charged by the Secretary of State (SOS) for a certificate of correction filed with respect to the registration or assumed name of a limited liability company (LLC). This would result in a loss of fee revenue to the SOS, based on the number of such filings made. Overall, any amount of revenue loss appears to be minimal. This fee revenue is deposited in the Business Services Fund (Fund 5990). The fund collected \$25.5 million in FY 2022 and \$25.7 million in FY 2023. The bill also makes some revisions pertaining to merger certificates for LLCs. However, these provisions appear to have no fiscal impact.

#### **Notary Public Law**

The bill makes several modifications to various provisions of the Notary Public Law. In totality these changes appear to have little direct fiscal impact on the SOS, which is responsible for the registration of notaries. The bill specifies that a notary whose commission is revoked by the SOS for official misconduct or incapacity is ineligible for reappointment. The bill also modifies the procedures for notaries administering an oath of affirmation to document signers by specifying that a notary who fails to administer this oath when required is potentially subject to revocation of his or her commission, a suspension of the commission, or a letter of admonition to be placed in the notary's file. This is different from current law, which requires a three-year removal from office. The bill also specifies that a notary commission is not an occupation that is

a professional license for the purpose of the laws pertaining to occupational regulations. Additionally, the bill makes various changes to the administrative procedures pertaining to violations of the notary law. Specifically, the bill eliminates the requirement that the SOS hold an administrative hearing before disciplining a notary. The bill also identifies the acts or omissions for which the SOS can revoke a commission. Finally, the bill delineates the information required to be contained in the notary database that is kept by the SOS. These changes are unlikely to have anything more than a negligible impact on the number of notaries registered with the SOS, and do not appear to result in any additional administrative costs to the SOS.

The costs of registering a notary public and issuing licenses is paid from the Notary Commission Fund (Fund 4120). This fund also collects the \$15 notary public license fee. Notary licenses are valid for five years, except for those held by practicing attorneys, which are valid as long as the attorney lives in Ohio. The fund collected \$412,000 in FY 2022 and \$413,000 in FY 2023. Expenses paid from Fund 4120 also fluctuate and have recently amounted to between approximately \$260,000 and \$475,000 annually. As of December 2023, the current cash balance of Fund 4120 is \$646,000.

The bill contains two provisions that do not appear to have any direct fiscal effects. The first of these is a provision that adds clerks of courts of record and deputy registrars to the list of county government officials that are required to accept electronically notarized documents, if they contain an authenticator certificate. County auditors, engineers, and recorders are already required to accept these documents under current law. Requiring these entities to accept these documents appears to have no direct fiscal impact on these entities. The other provision with no direct fiscal effect is one that specifies that a notary commission is not an occupation or professional license for the purpose of the laws pertaining to occupational regulations.