



ENACTMENT NEWS

Senate Bill 263 Notary Public Modernization Act

Governor Kasich signed Senate Bill 263 (Sens. Huffman and Wilson) into law on December 19, 2018. The bill, entitled the “Notary Public Modernization Act” was passed unanimously by the Senate on June 6, 2018, and by a vote of 77-10 in the House of Representatives on December 6, 2018. Most of the bill’s provisions take effect on September 20, 2019.

Responsibility for overseeing notary commissions

S.B. 263 consolidates all of the functions of commissioning, overseeing, record keeping, and disciplining notaries under the office of the Secretary of State. Under prior law, courts of common pleas and/or their clerks handled many of these functions. Additionally, the bill repeals provisions that require applicants to obtain from a judge of a court of common pleas or court of appeals, or from a justice of the Supreme Court, a statement that the applicant is of good moral character, that the applicant (if not an attorney) is a citizen of the county in which he or she resides, or (if the applicant is an attorney) that the applicant possesses sufficient qualifications and abilities to serve as a notary public.

Qualifications for becoming a notary; education; background check

S.B. 263 establishes new qualification requirements for obtaining a notary commission. In addition to the existing requirements that a person be 18 years old and either a resident of Ohio or an attorney licensed to practice law in Ohio (with a principal place of business or primary practice in Ohio), applicants must now also complete an educational program on notary law and pass a test on the topic (attorney applicants must take the course, but are not required to take a test).

The Secretary of State is responsible for establishing, through administrative rule, standards and curricula for notary education and testing, and may authorize other entities to administer the education and the testing. If entities that currently perform such services, or entities that have a business relationship with an entity that already performs the services, wish to continue to do so, the Secretary of State is required to approve them for administering the education and testing services. Attorneys who already have their notary commission prior to the bill’s effective date are exempt from the education and testing requirements.

The bill also requires applicants who are not attorneys to submit to a criminal background check. “Crimes of moral turpitude” disqualify an applicant from obtaining a notary commission. Existing law defines those offenses to include: aggravated murder, murder, or complicity in either; sexually oriented offenses; an F1 or F2 offense of violence; attempt, conspiracy, or complicity for the aforementioned charges if the attempt, conspiracy, or complicity charge would be and F1 or F2; violation of any former law or any existing or former law of a foreign nation that is substantially similar to those listed.

Online notaries

The bill allows for electronic and online notarization. Commissioned notaries may apply to the Secretary of State for authorization to engage in the practice of online notarization, upon the completion of an educational course and testing. The bill tasks the Secretary of State with adopting rules for online notarizations, and establishes processes and parameters for security requirements, record-keeping, and the acceptance of electronically notarized documents.