



To: All Ohio Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: August 16, 2019
Bulletin No.: OH 2019-05
Subject: Changes in Notary Public Statutes

The Ohio Legislature passed the Notary Public Modernization Act, Senate Bill (Sub) 263, signed into law by the governor on December 19, 2018. Some sections of the law are already in force, but the full statute becomes effective September 20, 2019.

I. Remote Online Notarization

Significantly, the law establishes Ohio as the 10th state to allow remote online notarization (RON).

Existing notaries public may apply to the Secretary of State for authorization to perform RON; appointment will require completion of a course and passing a test. (There are certain exceptions for duly licensed attorneys.) Once authorized, RON status will need to be renewed every five years.

The notary performing the RON must be physically present in Ohio at the time the acknowledgment is taken; the acknowledger must be in the U.S., one of its territories, or certain other locations (in limited circumstances). An e-document so notarized shall be considered an original.

RON notaries must maintain electronic journals and meet minimum security requirements.

The Secretary of State is to promulgate rules and regulations related to RON, including process and procedures, required technology, record retention and standards for verifying identities. As this is written, the rules and regulations are in the comment stage; they are projected to be finalized in September.

II. Other Electronic Notarizations

Notaries may obtain e-signatures to e-documents even in the physical presence of the person executing the instruments. RON technology and security requirements will apply.

III. Commissions

Non-attorneys and attorneys admitted to practice after the effective date of the law must complete an educational course and pass a test. Non-attorneys and notaries renewing their commissions will also have to submit to a criminal records check.

IV. Notarial Acts and Fees

The bill adds definitions for “acknowledgment” and “jurat.” In addition, there are new requirements for notarial certificates and a new approved form for jurats. Individuals who are physically unable to sign may designate someone to sign on his or her behalf (under certain circumstances).

Notaries may charge up to \$5.00 for in-person notarizations and up to \$25.00 for RON.

V. Seals

The new law changes the size of notarial seals but allows notaries to continue to use conforming seals already in their possession.

Again, we will supplement this bulletin once the Secretary of State publishes the rules and regulations required by the new law.

The complete text of the bill may be found here:

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-263>

Information Bulletins are designed to provide our agents with information we think will help in managing their business or just being better title professionals, but which does not rise to the level of being an underwriting mandate and are not within the scope of the agency agreement.