



## Ohio Revised Code

### Section 147.66 Steps to ensure security.

Effective: September 20, 2019

Legislation: Senate Bill 263 - 132nd General Assembly

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(A) An online notary public shall take reasonable steps to ensure that any device or software used to create an official electronic signature is current and has not been recalled or declared vulnerable by the device or software's manufacturer, seller, or developer.

(B)(1) An online notary public shall do both of the following:

(a) Except as provided in division (D)(5)(b) of section 147.65 of the Revised Code, keep the online notary public's electronic journal, official electronic signature, and electronic seal secure and under the online notary public's exclusive control;

(b) Use the online notary public's official electronic signature and electronic seal only for performing online notarizations or notarizations pursuant to section 147.591 of the Revised Code.

(2) An online notary public shall not allow another person to use the online notary public's electronic journal, official electronic signature, or electronic seal.

(C)(1) A third party keeping and storing electronic journals for online notaries public pursuant to division (D)(5)(b) of section 147.65 of the Revised Code shall immediately, upon discovery, notify the secretary of state, an appropriate law enforcement agency, and any affected online notaries public of the unauthorized access, modification, transfer, duplication, or use of any electronic journals in the third party's possession or control.

(2) If notice has not already been given pursuant to division (C)(1) of this section, a third party keeping and storing electronic journals for online notaries public pursuant to division (D)(5)(b) of section 147.65 of the Revised Code shall immediately, upon discovery, notify the secretary of state and any affected online notaries public of the loss of any electronic journals in the third party's possession or control.



(3) If notice has not already been given pursuant to division (C)(1) or (2) of this section, an online notary public shall immediately, upon discovery, notify an appropriate law enforcement agency and the secretary of state of the unauthorized access, modification, transfer, duplication, or use of the online notary public's electronic journal, official electronic signature, or electronic seal.

(4) If notice has not already been given pursuant to division (C)(1), (2), or (3) of this section, an online notary public shall immediately notify the secretary of state of the loss of the online notary public's electronic journal, official electronic signature, or electronic seal.

(D) An online notary public shall attach the online notary public's electronic signature and electronic seal to the notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

(E)(1)(a) Upon resignation, revocation, or expiration without renewal of an online notary public commission, the online notary public shall transmit the electronic journal to the secretary of state or to a repository approved by the secretary of state. This requirement does not apply to electronic journals that, as of the date of the resignation or expiration, were no longer kept in accordance with division (F) of section 147.65 of the Revised Code. If the electronic journal is transmitted to a repository, the online notary public shall inform the secretary of state where the journal is located during this period.

(b) Upon death or adjudicated incompetence of a current or former notary public, the executor or administrator of the online notary public's estate, the notary's guardian, or any other person knowingly in possession of the online notary public's electronic journal, shall transmit the journal to the secretary of state or to a repository approved by the secretary of state.

(2) The online notary public, the notary's personal representative or guardian, or the administrator or the executor of the notary's estate shall provide access instructions to the secretary of state for any electronic journal maintained or stored by the online notary public, upon commission resignation, revocation, or expiration without renewal, or upon the death or adjudicated incompetence of the online notary public, if that person is in possession of such instructions.

(3) The secretary of state or repository receiving a journal transmitted under division (E)(1) of this



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section shall maintain the journal for a period of ten years.