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Ohio Revised Code

Section 147.64 Authority of online notary public.

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Legislation: Senate Bill 263 - 132nd General Assembly

(A)(1) Except as provided in division (A)(3) of this section, an online notary public has the authority to perform any notarial act as an online notarization.

(2) An electronic document notarized through an online notarization shall be considered an original document.

(3) An online notary public shall not take or certify a deposition as an online notarization.

(B) A notary public of this state who has been authorized by the secretary of state to perform online notarizations may perform online notarizations only if both of the following conditions are met:

(1) The online notary public is a resident of this state.

(2) The online notary public is located within the geographical boundaries of this state at the time of the online notarization.

(C)(1) A notary public may perform an online notarization by means of audio-video communication in compliance with this act and any other rules adopted by the secretary of state for any principal who is located within the territory of the United States.

(2) A notary public may perform an online notarization for a principal located outside the territory of the United States only if both of the following conditions are met:

(a) The act is not known by the notary public to be prohibited in the jurisdiction in which the principal is physically located at the time of the act.

(b) The record meets any of the following:

(i) Is part of, or pertains to, a matter that is to be filed with or is before a court, governmental entity, or other entity located in the territorial jurisdiction of the United States;

(ii) Involves real or personal property located in the territorial jurisdiction of the United States;

(iii) Is part of, or pertains to, a transaction substantially connected with the United States.

(D) If an online notarization requires a principal to appear before an online notary public, the principal shall appear in person before the notary public and the principal and the notary public shall each sign the record with an electronic signature.

(E)(1) In performing an online notarization, a notary public shall determine from personal knowledge or satisfactory evidence of identity as described in division (E)(2) of this section that the principal appearing before the notary by means of live audio-video communication is the individual that he or she purports to be.

(2) A notary public has satisfactory evidence of identity if the notary can identify the individual who appears in person before the notary by means of audio-video communication based on either of the following:

(a) All of the following:

(i) Remote presentation by the principal of a government-issued identification credential, including a passport or driver's license, that contains the signature and photograph of the principal;

(ii) Credential analysis of the identification credentials provided;

(iii) Identity proofing of the principal.

(b) Verification by one or more credible witnesses who appear in person before the notary and who can be identified by either personal knowledge or all of the following:

(i) Presentation of a government-issued identification credential, including a passport or driver's license, that contains the signature and photograph of the witness;

(ii) Credential analysis of the identification credentials provided;

(iii) Identity proofing of the witness.

(F) The secretary of state shall include in rules adopted under section 147.62 of the Revised Code modified forms of notarial certificates for any notarial act that is an online notarization.