



Ohio Revised Code

Section 1314.105

Effective: October 06, 2026

Legislation: House Bill 195 - 136th General Assembly

Control of controllable electronic record [UCC 12-105]

(A) A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded:

(1) Gives the person both of the following:

(a) Power to avail itself of substantially all the benefits from the electronic record;

(b) Exclusive power, subject to division (B) of this section, to do both of the following:

(i) Prevent others from availing themselves of substantially all the benefits from the electronic record;

(ii) Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record.

(2) Enables the person to readily identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in division (A)(1) of this section.

(B) Subject to division (C) of this section, a power is exclusive under divisions (A)(1)(b)(i) and (ii) of the Revised Code even if either or both of the following apply:

(1) The controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record;

(2) The power is shared with another person.

(C) A power of a person is not shared with another person under division (B)(2) of this section and the person's power is not exclusive if both of the following apply:

(1) The person can exercise the power only if the power is also exercised by the same person;



(2) The other person either:

(a) Can exercise the power without exercise of the power by the person;

(b) Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(D) If a person has the powers specified in divisions (A)(1)(b)(i) and (ii) of this section, the powers are presumed to be exclusive.

(E) A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record either:

(1) Has control of the electronic record and acknowledges that it has control on behalf of the person;

(2) Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(F) A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(G) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this chapter or Chapter 1309. of the Revised Code provides otherwise, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.
