

**As Reported by the House Civil and Commercial Law Committee**

**126th General Assembly**

**Regular Session**

**2005-2006**

**Sub. H. B. No. 279**

**Representatives Hughes, Seitz, Coley, Willamowski, Core, Mason**

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**A BILL**

To enact sections 317.082 and 2923.201 of the Revised Code to prohibit a person from changing, altering, removing, or obliterating the name of the manufacturer, model, manufacturer's serial number, or any other mark of identification on a firearm, to prohibit a person from possessing a firearm knowing or having reasonable cause to believe any such mark of identification on the firearm has been changed, altered, removed, or obliterated, to prohibit the inclusion of an individual's Social Security number on copies of documents submitted for recording in the office of the county recorder, and to create an affirmative defense to associated civil liability of a good faith effort to comply with the noninclusion requirement.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 317.082 and 2923.201 of the Revised Code be enacted to read as follows:

Sec. 317.082. (A) As used in this section, "preparer" means any mortgage company, bank, title agency, or other person responsible for filing documents with the office of a county recorder for recording under section 317.08 of the Revised Code.

(B) Except as provided in division (C) or (D) of this section, the preparer of any document to be recorded by a county recorder under section 317.08 of the Revised Code shall not include any individual's social security number in any copy of the document that is filed for recording in the office of the county recorder under that section. The county recorder shall not accept a copy of such a document for recording if it includes any individual's social security number. 22 23 24 25 26 27 28 29

The preparer is not liable in damages in a civil action for any harm an individual allegedly sustains as a result of the inclusion of the individual's social security number on a copy of a document in violation of this division if the preparer establishes as an affirmative defense that the preparer made a good faith effort to comply with this division. The county recorder and the county recorder's employees are immune from liability in damages in a civil action brought against the county recorder or an employee of the county recorder to recover damages for any harm an individual allegedly sustains as a result of the county recorder or an employee of the county recorder accepting a copy of a document that includes the individual's social security number in violation of this division, unless the county recorder or an employee of the county recorder accepted that copy with malicious purpose, in bad faith, or in a wanton or reckless manner, or division (A)(6)(a) or (c) of section 2744.03 of the Revised Code applies. 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46

(C) An individual who executes a document a copy of which must be filed by a preparer for recording in the office of the county recorder under section 317.08 of the Revised Code may execute an affidavit consenting to the inclusion of the individual's social security number in the document. If an individual executes an affidavit consenting to the inclusion of the individual's social security number in the document under this 47 48 49 50 51 52 53

division, division (B) of this section does not apply to the 54  
preparer of the document or to the county recorder and the county 55  
recorder's employees. 56

(D) Division (B) of this section does not apply to any of the 57  
following: 58

(1) Any document that originates with any court or taxing 59  
authority; 60

(2) Any document that upon its filing for recording in the 61  
office of the county recorder under section 317.08 of the Revised 62  
Code constitutes a nonconsensual lien against an individual; 63

(3) Any publicly recorded document that is required by 64  
federal or state law to include an individual's social security 65  
number. 66

(E) This section does not apply to documents that were 67  
executed by an individual prior to the effective date of this 68  
section. 69

**Sec. 2923.201.** (A) No person shall do either of the 70  
following: 71

(1) Change, alter, remove, or obliterate the name of the 72  
manufacturer, model, manufacturer's serial number, or other mark 73  
of identification on a firearm. 74

(2) Possess a firearm knowing or having reasonable cause to 75  
believe that the name of the manufacturer, model, manufacturer's 76  
serial number, or other mark of identification on the firearm has 77  
been changed, altered, removed, or obliterated. 78

(B)(1) Whoever violates division (A)(1) of this section is 79  
guilty of defacing identification marks of a firearm. Except as 80  
otherwise provided in this division, defacing identification marks 81  
of a firearm is a misdemeanor of the first degree. If the offender 82

previously has been convicted of or pleaded guilty to a violation 83  
of division (A)(1) of this section, defacing identification marks 84  
of a firearm is a felony of the fourth degree. 85

(2) Whoever violates division (A)(2) of this section is 86  
guilty of possessing a defaced firearm. Except as otherwise 87  
provided in this division, possessing a defaced firearm is a 88  
misdemeanor of the first degree. If the offender previously has 89  
been convicted of or pleaded guilty to a violation of division 90  
(A)(2) of this section, possessing a defaced firearm is a felony 91  
of the fourth degree. 92

(C) Division (A) of this section does not apply to any 93  
firearm on which no manufacturer's serial number was inscribed at 94  
the time of its manufacture. 95