

As Introduced

**126th General Assembly
Regular Session
2005-2006**

S. B. No. 148

Senator Hottinger

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A BILL

To amend section 317.09 of the Revised Code to 1
authorize a county recorder to use electronic or 2
magnetic mediums for recording federal tax and 3
other federal liens and to request the disposal of 4
paper versions of those recorded documents. 5

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

Section 1. That section 317.09 of the Revised Code be amended 6
to read as follows: 7

Sec. 317.09. (A)(1) Notices of liens for internal revenue 8
taxes, of liens arising under section 107 of the "Comprehensive 9
Environmental Response, Compensation, and Liability Act of 1980," 10
94 Stat. 2781, 42 U.S.C.A. 9607, as amended, and of any other lien 11
in favor of the United States, as provided in the statutes of the 12
United States or in any regulation adopted under those statutes, 13
certificates discharging the liens, and certificates of release of 14
the liens shall be filed for record, by mail or otherwise, in the 15
office of the county recorder of the county in which the property 16
subject to the lien is situated. If a duplicate copy of a notice 17
of a lien or a certificate of discharge or release of a lien is 18
provided, the recorder shall endorse on the copy the date and hour 19
that the notice or certificate was received for filing and 20

recording and shall return the copy, by mail or otherwise, to the 21
district director of the internal revenue service of the Ohio 22
district from which the notice or certificate originated, the 23
regional administrator of the region of the United States 24
environmental protection agency from which the notice or 25
certificate originated, or the other official of the United States 26
who originated the notice or certificate, whichever is applicable. 27

(2) Except as provided in division (B) of this section, when 28
a notice of a lien in favor of the United States is filed, the 29
recorder shall enter it in a book or an electronic or magnetic 30
medium known as the "federal tax and other federal lien index," in 31
alphabetical order, showing on one line the name and residence of 32
the person named in the notice, the serial number or other 33
identifying number of the notice, and the total amount of the 34
lien. ~~The~~ Except as provided in division (C) of this section, the 35
recorder shall file and keep all original notices of liens in 36
numerical order. ~~When~~ Except as provided in division (C) of this 37
section, when a certificate of discharge or release of any lien in 38
favor of the United States is issued by the proper official of the 39
United States, or the official's delegate, and is filed for record 40
in the office of the recorder in which the original notice of the 41
lien is filed, the recorder shall enter the certificate with the 42
date of filing in the federal tax and other federal lien index on 43
the line on which the notice of the lien so discharged or released 44
is entered and permanently attach the original certificate of 45
discharge or release to the original notice of the lien. 46

(B) If a county recorder records all instruments in two sets 47
of record books pursuant to division (C) of section 317.08 of the 48
Revised Code, notices of liens in favor of the United States and 49
certificates discharging or releasing those liens that are filed 50
with the recorder shall be recorded in the "official records" set 51
of books. 52

(C) A county recorder may use any nonpaper electronic or magnetic medium specified in section 9.01 of the Revised Code to record the notices of liens and the certificates of discharge or release of liens covered by this section. If any of those mediums is used, an "original notice," for purposes of this section, shall mean the notice as originally recorded by the nonpaper electronic or magnetic medium, and the recorder, instead of permanently attaching an original certificate of discharge or release to the original notice, shall otherwise clearly indicate on the original notice that it has been discharged or released by the particular certificate. If such a recorder wishes to dispose of paper versions of the notices and certificates covered by this section because they are no longer needed in that format, the recorder shall request the county records commission to revise the county's schedule of records retention and disposal in accordance with section 149.38 of the Revised Code to provide for the disposal of those paper records.

(D) The county recorder shall receive a fee of five dollars for filing and indexing each notice of a lien filed pursuant to this section and shall receive a fee of three dollars for filing and indexing a certificate of discharge or release of the lien. The fees provided for in this division shall be collected at the time that the notice or certificate is presented in the office of the recorder.

Section 2. That existing section 317.09 of the Revised Code is hereby repealed.