

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 446

Representatives Rogers, Seitz

**Cosponsors: Representatives Antonio, Becker, Boccieri, Celebrezze, Fedor, Kent,
Sheehy, Smith, K.**

A BILL

To enact section 1337.261 of the Revised Code 1
relative to the acceptance of an acknowledged 2
power of attorney. 3

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

Section 1. That section 1337.261 of the Revised Code be 4
enacted to read as follows: 5

Sec. 1337.261. (A) As used in this section, "acknowledged" 6
means verified before a notary public or other individual 7
authorized to take acknowledgments. 8

(B) A person shall not refuse to accept an acknowledged 9
power of attorney for a transaction, or require an additional or 10
different form of power of attorney for any authority granted in 11
a statutory form power of attorney, unless one of the following 12
applies: 13

(1) The person has actual knowledge of the termination of 14
the agent's authority or of the power of attorney. 15

(2) The person in good faith believes that the transaction 16

<u>is outside the scope of the authority granted to the agent in</u>	17
<u>the power of attorney.</u>	18
<u>(3) The person in good faith believes that the power of</u>	19
<u>attorney is not valid.</u>	20
<u>(C) A person that fails to comply with this section is</u>	21
<u>subject to both of the following:</u>	22
<u>(1) A court order mandating the acceptance of the power of</u>	23
<u>attorney;</u>	24
<u>(2) Liability for reasonable attorneys' fees and costs</u>	25
<u>incurred in any action or proceeding that confirms the validity</u>	26
<u>of the power of attorney or mandates acceptance of the power of</u>	27
<u>attorney.</u>	28