

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 119

Representative Stoltzfus

**Cosponsors: Representatives Becker, Brinkman, Hood, Keller, Koehler, Lang,
Merrin, Riedel, Seitz**

A BILL

To amend sections 1901.18, 1901.20, 1907.02, 1
1907.031, 4511.092, 4511.093, 4511.096, 2
4511.097, 4511.098, 4511.0910, 4511.204, 3
4511.205, 4511.991, 5747.51, and 5747.53, to 4
enact new sections 4511.099 and 5747.502, and to 5
repeal sections 4511.099, 4511.0915, and 6
5747.502 of the Revised Code to grant municipal 7
and county courts original and exclusive 8
jurisdiction over any civil action concerning a 9
traffic law violation, to modify certain 10
requirements governing the use of traffic law 11
photo-monitoring devices by a local authority, 12
and to make corrective changes to the distracted 13
driving and texting-while-driving law. 14

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

Section 1. That sections 1901.18, 1901.20, 1907.02, 15
1907.031, 4511.092, 4511.093, 4511.096, 4511.097, 4511.098, 16
4511.0910, 4511.204, 4511.205, 4511.991, 5747.51, and 5747.53 be 17
amended and new sections 4511.099 and 5747.502 of the Revised 18

Code be enacted to read as follows: 19

Sec. 1901.18. (A) Except as otherwise provided in this 20
division or section 1901.181 of the Revised Code, subject to the 21
monetary jurisdiction of municipal courts as set forth in 22
section 1901.17 of the Revised Code, a municipal court has 23
original jurisdiction within its territory in all of the 24
following actions or proceedings and to perform all of the 25
following functions: 26

(1) In any civil action, of whatever nature or remedy, of 27
which judges of county courts have jurisdiction; 28

(2) In any action or proceeding at law for the recovery of 29
money or personal property of which the court of common pleas 30
has jurisdiction; 31

(3) In any action at law based on contract, to determine, 32
preserve, and enforce all legal and equitable rights involved in 33
the contract, to decree an accounting, reformation, or 34
cancellation of the contract, and to hear and determine all 35
legal and equitable remedies necessary or proper for a complete 36
determination of the rights of the parties to the contract; 37

(4) In any action or proceeding for the sale of personal 38
property under chattel mortgage, lien, encumbrance, or other 39
charge, for the foreclosure and marshalling of liens on personal 40
property of that nature, and for the rendering of personal 41
judgment in the action or proceeding; 42

(5) In any action or proceeding to enforce the collection 43
of its own judgments or the judgments rendered by any court 44
within the territory to which the municipal court has succeeded, 45
and to subject the interest of a judgment debtor in personal 46
property to satisfy judgments enforceable by the municipal 47

court;	48
(6) In any action or proceeding in the nature of interpleader;	49 50
(7) In any action of replevin;	51
(8) In any action of forcible entry and detainer;	52
(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;	53 54 55 56 57 58
(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;	59 60 61 62 63 64 65
(11) In any action brought pursuant to division (I) of section 4781.40 of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court;	66 67 68 69
(12) In any civil action as described in division (B) (1) of section 3767.41 of the Revised Code that relates to a public nuisance, and, to the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in the civil action;	70 71 72 73 74
(13) In a proceeding brought pursuant to section 955.222	75

of the Revised Code by the owner of a dog that has been 76
designated as a nuisance dog, dangerous dog, or vicious dog; 77

(14) In every civil action concerning a violation of a 78
state traffic law or a municipal traffic ordinance. 79

(B) The Cleveland municipal court also shall have 80
jurisdiction within its territory in all of the following 81
actions or proceedings and to perform all of the following 82
functions: 83

(1) In all actions and proceedings for the sale of real 84
property under lien of a judgment of the municipal court or a 85
lien for machinery, material, or fuel furnished or labor 86
performed, irrespective of amount, and, in those actions and 87
proceedings, the court may proceed to foreclose and marshal all 88
liens and all vested or contingent rights, to appoint a 89
receiver, and to render personal judgment irrespective of amount 90
in favor of any party. 91

(2) In all actions for the foreclosure of a mortgage on 92
real property given to secure the payment of money or the 93
enforcement of a specific lien for money or other encumbrance or 94
charge on real property, when the amount claimed by the 95
plaintiff does not exceed fifteen thousand dollars and the real 96
property is situated within the territory, and, in those 97
actions, the court may proceed to foreclose all liens and all 98
vested and contingent rights and may proceed to render judgments 99
and make findings and orders between the parties in the same 100
manner and to the same extent as in similar actions in the court 101
of common pleas. 102

(3) In all actions for the recovery of real property 103
situated within the territory to the same extent as courts of 104

common pleas have jurisdiction; 105

(4) In all actions for injunction to prevent or terminate 106
violations of the ordinances and regulations of the city of 107
Cleveland enacted or promulgated under the police power of the 108
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 109
Constitution, over which the court of common pleas has or may 110
have jurisdiction, and, in those actions, the court may proceed 111
to render judgments and make findings and orders in the same 112
manner and to the same extent as in similar actions in the court 113
of common pleas. 114

(C) As used in this section, "violation of a state traffic 115
law or a municipal traffic ordinance" has the same meaning as in 116
section 1901.20 of the Revised Code. 117

Sec. 1901.20. (A) (1) The municipal court has jurisdiction 118
to hear misdemeanor cases committed within its territory and has 119
jurisdiction over the violation of any ordinance of any 120
municipal corporation within its territory, ~~unless the violation~~ 121
~~is a~~ including exclusive jurisdiction over every civil action 122
concerning a violation based upon evidence recorded by a traffic 123
law photo monitoring device and issued pursuant to division (B) 124
~~(3) of section 4511.093 of the Revised Code or the~~ of a state 125
traffic law or a municipal traffic ordinance. The municipal 126
court does not have jurisdiction over a violation that is 127
required to be handled by a parking violations bureau or joint 128
parking violations bureau pursuant to Chapter 4521. of the 129
Revised Code. However, the municipal court has jurisdiction over 130
the violation of a vehicle parking or standing resolution or 131
regulation if a local authority, as defined in division (D) of 132
section 4521.01 of the Revised Code, has specified that it is 133
not to be considered a criminal offense, if the violation is 134

committed within the limits of the court's territory, and if the 135
violation is not required to be handled by a parking violations 136
bureau or joint parking violations bureau pursuant to Chapter 137
4521. of the Revised Code. 138

The municipal court, if it has a housing or environmental 139
division, has jurisdiction over any criminal action over which 140
the housing or environmental division is given jurisdiction by 141
section 1901.181 of the Revised Code, provided that, except as 142
specified in division (B) of that section, no judge of the court 143
other than the judge of the division shall hear or determine any 144
action over which the division has jurisdiction. In all such 145
prosecutions and cases, the court shall proceed to a final 146
determination of the prosecution or case. 147

(2) A judge of a municipal court does not have the 148
authority to dismiss a criminal complaint, charge, information, 149
or indictment solely at the request of the complaining witness 150
and over the objection of the prosecuting attorney, village 151
solicitor, city director of law, or other chief legal officer 152
who is responsible for the prosecution of the case. 153

(B) The municipal court has jurisdiction to hear felony 154
cases committed within its territory. In all felony cases, the 155
court may conduct preliminary hearings and other necessary 156
hearings prior to the indictment of the defendant or prior to 157
the court's finding that there is probable and reasonable cause 158
to hold or recognize the defendant to appear before a court of 159
common pleas and may discharge, recognize, or commit the 160
defendant. 161

(C) ~~(1)~~ A municipal court has jurisdiction over an appeal 162
from a judgment or default judgment entered pursuant to Chapter 163
4521. of the Revised Code, as authorized by division (D) of 164

section 4521.08 of the Revised Code. The appeal shall be placed 165
on the regular docket of the court and shall be determined by a 166
judge of the court. 167

~~(2) A municipal court has jurisdiction over an appeal of a 168
written decision rendered by a hearing officer under section 169
4511.099 of the Revised Code if the hearing officer that 170
rendered the decision was appointed by a local authority within 171
the jurisdiction of the court. 172~~

(D) As used in this section, "violation of a state traffic 173
law or a municipal traffic ordinance" includes, but is not 174
limited to, a traffic law violation recorded by a traffic law 175
photo-monitoring device, as defined in section 4511.092 of the 176
Revised Code. 177

Sec. 1907.02. (A) (1) In addition to other jurisdiction 178
granted a county court in the Revised Code, a county court has 179
jurisdiction of all misdemeanor cases. A county court has 180
jurisdiction to conduct preliminary hearings in felony cases, to 181
bind over alleged felons to the court of common pleas, and to 182
take other action in felony cases as authorized by Criminal Rule 183
5. 184

(2) A judge of a county court does not have the authority 185
to dismiss a criminal complaint, charge, information, or 186
indictment solely at the request of the complaining witness and 187
over the objection of the prosecuting attorney, village 188
solicitor, city director of law, or other chief legal officer 189
who is responsible for the prosecution of the case. 190

(B) A county court has jurisdiction of the violation of a 191
vehicle parking or standing ordinance, resolution, or regulation 192
if a local authority, as defined in division (D) of section 193

4521.01 of the Revised Code, has specified that it is not to be 194
considered a criminal offense, if the violation is committed 195
within the limits of the court's territory, and if the violation 196
is not required to be handled by a parking violations bureau or 197
joint parking violations bureau pursuant to Chapter 4521. of the 198
Revised Code. A county court does not have jurisdiction over 199
violations of ordinances, resolutions, or regulations that are 200
required to be handled by a parking violations bureau or joint 201
parking violations bureau pursuant to that chapter. 202

A county court also has jurisdiction of an appeal from a 203
judgment or default judgment entered pursuant to Chapter 4521. 204
of the Revised Code, as authorized by division (D) of section 205
4521.08 of the Revised Code. Any such appeal shall be placed on 206
the regular docket of the court and shall be determined by a 207
judge of the court. 208

(C) A county court has exclusive jurisdiction over ~~an~~ 209
~~appeal of a written decision rendered by a hearing officer under~~ 210
~~section 4511.099 of the Revised Code if the hearing officer that~~ 211
~~rendered the decision was appointed by a local authority within~~ 212
~~the jurisdiction of the court~~ every civil action concerning a 213
violation of a state traffic law or a municipal traffic 214
ordinance, if the violation is committed within the limits of 215
the court's territory. 216

(D) As used in this section, "violation of a state traffic 217
law or a municipal traffic ordinance" has the same meaning as in 218
section 1901.20 of the Revised Code. 219

Sec. 1907.031. (A) Except as otherwise provided in section 220
1907.03 of the Revised Code and in addition to the jurisdiction 221
authorized in other sections of this chapter and in section 222
1909.11 of the Revised Code, a county court has original 223

jurisdiction within its district in all of the following actions	224
or proceedings and to perform all of the following functions:	225
(1) In an action or proceeding at law for the recovery of	226
money or personal property of which the court of common pleas	227
has jurisdiction;	228
(2) In an action at law based on contract, to determine,	229
preserve, and enforce all legal and equitable rights involved in	230
the contract, to decree an accounting, reformation, or	231
cancellation of the contract, and to hear and determine all	232
legal and equitable remedies necessary or proper for a complete	233
determination of the rights of the parties to the contract;	234
(3) In an action or proceeding for the sale of personal	235
property under chattel mortgage, lien, encumbrance, or other	236
charge, for the foreclosure and marshalling of liens on the	237
personal property, and for the rendering of personal judgment in	238
the action or proceeding;	239
(4) In an action or proceeding to enforce the collection	240
of its own judgments and to subject the interest of a judgment	241
debtor in personal property to satisfy judgments enforceable by	242
the county court;	243
(5) In an action or proceeding in the nature of	244
interpleader;	245
(6) In an action of forcible entry and detainer;	246
(7) In a proceeding brought pursuant to section 955.222 of	247
the Revised Code by the owner of a dog that has been designated	248
as a nuisance dog, dangerous dog, or vicious dog;	249
<u>(8) In every civil action or proceeding concerning a</u>	250
<u>violation of a state traffic law or a municipal traffic</u>	251

<u>ordinance.</u>	252
(B) A county court has original jurisdiction in civil actions as described in division (B) (1) of section 3767.41 of the Revised Code that relate to a public nuisance. To the extent any provision of this chapter conflicts or is inconsistent with a provision of that section, the provision of that section shall control in such a civil action.	253 254 255 256 257 258
<u>(C) As used in this section, "violation of a state traffic law or a municipal traffic ordinance" has the same meaning as in section 1901.20 of the Revised Code.</u>	259 260 261
Sec. 4511.092. As used in sections 4511.092 to 4511.0914 of the Revised Code:	262 263
(A) "Designated party" means the person whom the registered owner of a motor vehicle, upon receipt of a ticket based upon images recorded by a traffic law photo-monitoring device that indicate a traffic law violation, identifies as the person who was operating the vehicle of the registered owner at the time of the violation.	264 265 266 267 268 269
(B) "Hearing officer" means any person appointed by the mayor, board of county commissioners, or board of township trustees of a local authority, as applicable, to conduct administrative hearings on violations recorded by traffic law photo-monitoring devices, other than a person who is employed by a law enforcement agency as defined in section 109.573 of the Revised Code.	270 271 272 273 274 275 276
(C) "Law enforcement officer" means a sheriff, deputy sheriff, marshal, deputy marshal, police officer of a police department of any municipal corporation, police constable of any township, or police officer of a township or joint police	277 278 279 280

district, who is employed on a permanent, full-time basis by the 281
law enforcement agency of a local authority that assigns such 282
person to the location of a traffic law photo-monitoring device. 283

~~(D)~~ (C) "Local authority" means a municipal corporation, 284
county, or township. 285

~~(E)~~ (D) "Motor vehicle leasing dealer" has the same 286
meaning as in section 4517.01 of the Revised Code. 287

~~(F)~~ (E) "Motor vehicle renting dealer" has the same 288
meaning as in section 4549.65 of the Revised Code. 289

~~(G)~~ (F) "Recorded images" means any of the following 290
images recorded by a traffic law photo-monitoring device that 291
show, on at least one image or on a portion of the videotape, 292
the rear of a motor vehicle and the letters and numerals on the 293
rear license plate of the vehicle: 294

(1) Two or more photographs, microphotographs, electronic 295
images, or digital images; 296

(2) Videotape. 297

~~(H)~~ (G) "Registered owner" means all of the following: 298

(1) Any person or entity identified by the bureau of motor 299
vehicles or any other state motor vehicle registration bureau, 300
department, or office as the owner of a motor vehicle; 301

(2) The lessee of a motor vehicle under a lease of six 302
months or longer; 303

(3) The renter of a motor vehicle pursuant to a written 304
rental agreement with a motor vehicle renting dealer. 305

~~(I)~~ (H) "System location" means the approach to an 306
intersection or area of roadway toward which a traffic law 307

photo-monitoring device is directed and is in operation. 308

~~(J)~~ (I) "Ticket" means any traffic ticket, citation, 309
summons, or other ticket issued in response to an alleged 310
traffic law violation detected by a traffic law photo-monitoring 311
device, that represents a civil violation. 312

~~(K)~~ (J) "Traffic law photo-monitoring device" means an 313
electronic system consisting of a photographic, video, or 314
electronic camera and a means of sensing the presence of a motor 315
vehicle that automatically produces recorded images. 316

~~(L)~~ (K) "Traffic law violation" means either of the 317
following: 318

(1) A violation of section 4511.12 of the Revised Code 319
based on the failure to comply with section 4511.13 of the 320
Revised Code or a substantially equivalent municipal ordinance 321
that occurs at an intersection due to failure to obey a traffic 322
control signal; 323

(2) A violation of section 4511.21 or 4511.211 of the 324
Revised Code or a substantially equivalent municipal ordinance 325
due to failure to observe the applicable speed limit. 326

Sec. 4511.093. (A) A local authority may utilize a traffic 327
law photo-monitoring device for the purpose of detecting traffic 328
law violations. If the local authority is a county or township, 329
the board of county commissioners or the board of township 330
trustees may adopt such resolutions as may be necessary to 331
enable the county or township to utilize traffic law photo- 332
monitoring devices. 333

(B) The use of a traffic law photo-monitoring device is 334
subject to the following conditions: 335

(1) A local authority shall use a traffic law photo- 336
monitoring device to detect and enforce traffic law violations 337
only if a law enforcement officer is present at the location of 338
the device at all times during the operation of the device and 339
if the local authority complies with sections 4511.094 and 340
4511.095 of the Revised Code. 341

(2) A law enforcement officer who is present at the 342
location of any traffic law photo-monitoring device and who 343
personally witnesses a traffic law violation may issue a ticket 344
for the violation. Such a ticket shall be issued in accordance 345
with section ~~2935.25~~2935.26 of the Revised Code and is not 346
subject to sections 4511.096 to 4511.0910 and section 4511.912 347
of the Revised Code. 348

(3) If a traffic law photo-monitoring device records a 349
traffic law violation and the law enforcement officer who was 350
present at the location of the traffic law photo-monitoring 351
device does not issue a ticket as provided under division (B) (2) 352
of this section, the local authority may only issue a ticket in 353
accordance with sections 4511.096 to 4511.0912 of the Revised 354
Code. 355

(C) No township constable appointed under section 509.01 356
of the Revised Code, member of a police force of a township or 357
joint police district created under section 505.48 or 505.482 of 358
the Revised Code, or other representative of a township shall 359
utilize a traffic law photo-monitoring device to detect and 360
enforce traffic law violations on an interstate highway. 361

Sec. 4511.096. (A) A law enforcement officer employed by a 362
local authority utilizing a traffic law photo-monitoring device 363
shall examine evidence of alleged traffic law violations 364
recorded by the device to determine whether such a violation has 365

occurred. If the image recorded by the traffic law photo- 366
monitoring device shows such a violation, contains the date and 367
time of the violation, and shows the letter and numerals on the 368
license plate of the vehicle involved as well as the state that 369
issued the license plate, the officer may use any lawful means 370
to identify the registered owner. 371

(B) The fact that a person or entity is the registered 372
owner of a motor vehicle is prima facie evidence that that 373
person or entity is the person who was operating the vehicle at 374
the time of the traffic law violation. 375

(C) Within thirty days of the traffic law violation, the 376
local authority or its designee may issue and send by regular 377
mail a ticket charging the registered owner with the violation. 378
The ticket shall comply with section 4511.097 of the Revised 379
Code. If the local authority mails a ticket charging the 380
registered owner with the violation, the local authority shall 381
file a certified copy of the ticket with the municipal court or 382
county court with jurisdiction over the civil action. 383

(D) A certified copy of the ticket alleging a traffic law 384
violation, sworn to or affirmed by a law enforcement officer 385
employed by the local authority, including by electronic means, 386
and the recorded images produced by the traffic law photo- 387
monitoring device, is prima facie evidence of the facts 388
contained therein and is admissible in a civil action or 389
proceeding for review of concerning the ticket issued under this 390
section. 391

Sec. 4511.097. (A) A traffic law violation for which a 392
ticket is issued by a local authority ~~pursuant to division (B)~~ 393
~~(3) of section 4511.093 of the Revised Code~~ based on evidence 394
recorded by a traffic law photo-monitoring device is a civil 395

violation. If a local authority issues a ticket for such a 396
violation, the ticket shall comply with the requirements of this 397
section and the fine for such a ticket shall not exceed the 398
amount of the fine that may be imposed for a substantially 399
equivalent criminal traffic law violation. 400

(B) A local authority or its designee shall process such a 401
ticket for a civil violation and shall send the ticket by 402
ordinary mail to any registered owner of the motor vehicle that 403
is the subject of the traffic law violation. The local authority 404
or designee shall ensure that the ticket contains all of the 405
following: 406

(1) The name and address of the registered owner; 407

(2) The letters and numerals appearing on the license 408
plate issued to the motor vehicle; 409

(3) The traffic law violation charged; 410

(4) The system location; 411

(5) The date and time of the violation; 412

(6) A copy of the recorded images; 413

(7) The name and badge number of the law enforcement 414
officer who was present at the system location at the time of 415
the violation, if applicable; 416

(8) The amount of the civil penalty imposed, the date by 417
which the civil penalty is required to be paid, and the address 418
of the municipal court or county court with jurisdiction over 419
the civil action to which the payment is to be sent; 420

(9) A statement signed by a law enforcement officer 421
employed by the local authority indicating that, based on an 422

inspection of recorded images, the motor vehicle was involved in 423
a traffic law violation, and a statement indicating that the 424
recorded images are prima facie evidence of that traffic law 425
violation both of which may be signed electronically; 426

(10) Information advising the person or entity alleged to 427
be liable of the options prescribed in section 4511.098 of the 428
Revised Code, specifically to include the time, place, and 429
manner in which ~~an administrative appeal may be initiated~~ the 430
person or entity may appear in court to contest the violation 431
and ticket and the procedure for disclaiming liability by 432
submitting an affidavit to the municipal court or county court 433
as prescribed in that section; 434

(11) A warning that failure to exercise one of the options 435
prescribed in section 4511.098 of the Revised Code is deemed to 436
be an admission of liability and waiver of the opportunity to 437
contest the violation. 438

(C) A local authority or its designee shall send a ticket 439
not later than thirty days after the date of the alleged traffic 440
law violation. 441

(D) The local authority or its designee may elect to send 442
by ordinary mail a warning notice in lieu of a ticket under this 443
section. 444

Sec. 4511.098. (A) A person or entity who receives a 445
ticket for a civil violation sent in compliance with section 446
4511.097 of the Revised Code shall elect to do one of the 447
following: 448

(1) In accordance with instructions on the ticket, pay the 449
civil penalty, thereby ~~failing to contest~~ admitting liability 450
and waiving the opportunity to contest the violation; 451

(2) (a) Within thirty days after receipt of the ticket, 452
provide the ~~law enforcement agency of the local authority~~ 453
municipal court or county court with jurisdiction over the civil 454
action with either of the following affidavits: 455

(i) An affidavit executed by the registered owner stating 456
that another person was operating the vehicle of the registered 457
owner at the time of the violation, identifying that person as a 458
designated party who may be held liable for the violation, and 459
containing at a minimum the name and address of the designated 460
party; 461

(ii) An affidavit executed by the registered owner stating 462
that at the time of the violation, the motor vehicle or the 463
license plates issued to the motor vehicle were stolen and 464
therefore were in the care, custody, or control of some person 465
or entity to whom the registered owner did not grant permission 466
to use the motor vehicle. In order to demonstrate that the motor 467
vehicle or the license plates were stolen prior to the traffic 468
law violation and therefore were not under the control or 469
possession of the registered owner at the time of the violation, 470
the registered owner shall submit proof that a report about the 471
stolen motor vehicle or license plates was filed with the 472
appropriate law enforcement agency prior to the violation or 473
within forty-eight hours after the violation occurred. 474

(b) A registered owner is not responsible for a traffic 475
law violation if, within thirty days after the date of mailing 476
of the ticket, the registered owner furnishes an affidavit 477
specified in division (A) (2) (a) (i) or (ii) of this section to 478
the ~~local authority court with jurisdiction~~ in a form 479
established by the ~~local authority court~~ and the following 480
conditions are met: 481

(i) If the registered owner submits an affidavit as 482
specified in division (A) (2) (a) (i) of this section, the 483
designated party either accepts liability for the violation by 484
paying the civil penalty or by failing to request an 485
~~administrative a court~~ hearing within thirty days or is 486
determined liable in ~~an administrative a court~~ hearing; 487

(ii) If the registered owner submits an affidavit as 488
specified in division (A) (2) (a) (ii) of this section, the 489
affidavit is supported by a stolen vehicle or stolen license 490
plate report as required in that division. 491

(3) If the registered owner is a motor vehicle leasing 492
dealer or a motor vehicle renting dealer, notify the ~~law~~ 493
~~enforcement agency of the local authority court with~~ 494
jurisdiction of the name and address of the lessee or renter of 495
the motor vehicle at the time of the traffic law violation. The 496
court shall establish the form of the notice. A motor vehicle 497
leasing dealer or motor vehicle renting dealer who receives a 498
ticket for an alleged traffic law violation detected by a 499
traffic law photo-monitoring device is not liable for a ticket 500
issued for a motor vehicle that was in the care, custody, or 501
control of a lessee or renter at the time of the alleged 502
violation. The dealer shall not pay such a ticket and 503
subsequently attempt to collect a fee or assess the lessee or 504
renter a charge for any payment of such a ticket made on behalf 505
of the lessee or renter. 506

(4) If the vehicle involved in the traffic law violation 507
is a commercial motor vehicle and the ticket is issued to a 508
corporate entity, provide to the ~~law enforcement agency of the~~ 509
~~local authority court with jurisdiction~~ an affidavit in a form 510
established by the court, sworn to or affirmed by an agent of 511

the corporate entity, that provides the name and address of the 512
employee who was operating the motor vehicle at the time of the 513
alleged violation and who is the designated party. 514

(5) Contest the ticket by filing a written request for~~an~~ 515
~~administrative~~ a court hearing to review the ticket in a form 516
established by the court. The person or entity shall file the 517
written request not later than thirty days after receipt of the 518
ticket. The failure to request a hearing within this time period 519
constitutes a waiver of the right to contest the violation and 520
ticket, and is deemed to constitute an admission of liability 521
and waiver of the opportunity to contest the violation. 522

(B) A ~~local authority court with jurisdiction~~ that 523
receives an affidavit described in division (A) (2) (a) (i) or (A) 524
(4) of this section or a notification under division (A) (3) of 525
this section from a registered owner may proceed to notify the 526
local authority to send a ticket that conforms with division (B) 527
of section 4511.097 of the Revised Code to the designated party. 528
The local authority shall send the ticket to the designated 529
party by ordinary mail not later than twenty-one days after 530
receipt of the ~~affidavit or~~ notification. 531

Sec. 4511.099. (A) Subject to division (B) of this section 532
and notwithstanding any other provision in the Revised Code to 533
the contrary, when a certified copy of a ticket issued by a 534
local authority based on evidence recorded by a traffic law 535
photo-monitoring device is filed with the municipal court or 536
county court with jurisdiction over the civil action, the court 537
shall require the local authority to provide an advance deposit 538
for the filing of the civil action. The advance deposit shall 539
consist of all applicable court costs and fees for the civil 540
action. The court shall retain the advance deposit regardless of 541

which party prevails in the civil action and shall not charge to 542
the registered owner or designated party any court costs and 543
fees for the civil action. 544

(B) Division (A) of this section does not apply to any 545
civil action related to a ticket issued by a local authority 546
based on evidence recorded by a traffic law photo-monitoring 547
device when the traffic law photo-monitoring device was located 548
in a school zone. The court shall charge the applicable court 549
costs and fees for such a civil action to the party that does 550
not prevail in the action. 551

As used in this division, "school zone" has the same 552
meaning as in section 4511.21 of the Revised Code. 553

Sec. 4511.0910. A traffic law violation for which a civil 554
penalty is imposed under sections 4511.097 ~~to 4511.099~~ and 555
4511.098 of the Revised Code is not a moving violation and 556
points shall not be assessed against a person's driver's license 557
under section 4510.036 of the Revised Code. In no case shall 558
such a violation be reported to the bureau of motor vehicles or 559
motor vehicle registration bureau, department, or office of any 560
other state, nor shall such a violation be recorded on the 561
driving record of the owner or operator of the vehicle involved 562
in the violation. 563

Sec. 4511.204. (A) No person shall drive a motor vehicle, 564
trackless trolley, or streetcar on any street, highway, or 565
property open to the public for vehicular traffic while using a 566
handheld electronic wireless communications device to write, 567
send, or read a text-based communication. 568

(B) Division (A) of this section does not apply to any of 569
the following: 570

- (1) A person using a handheld electronic wireless 571
communications device in that manner for emergency purposes, 572
including an emergency contact with a law enforcement agency, 573
hospital or health care provider, fire department, or other 574
similar emergency agency or entity; 575
- (2) A person driving a public safety vehicle who uses a 576
handheld electronic wireless communications device in that 577
manner in the course of the person's duties; 578
- (3) A person using a handheld electronic wireless 579
communications device in that manner whose motor vehicle is in a 580
stationary position and who is outside a lane of travel; 581
- (4) A person reading, selecting, or entering a name or 582
telephone number in a handheld electronic wireless 583
communications device for the purpose of making or receiving a 584
telephone call; 585
- (5) A person receiving wireless messages on a device 586
regarding the operation or navigation of a motor vehicle; 587
safety-related information, including emergency, traffic, or 588
weather alerts; or data used primarily by the motor vehicle; 589
- (6) A person receiving wireless messages via radio waves; 590
- (7) A person using a device for navigation purposes; 591
- (8) A person conducting wireless interpersonal 592
communication with a device that does not require manually 593
entering letters, numbers, or symbols or reading text messages, 594
except to activate, deactivate, or initiate the device or a 595
feature or function of the device; 596
- (9) A person operating a commercial truck while using a 597
mobile data terminal that transmits and receives data; 598

(10) A person using a handheld electronic wireless 599
communications device in conjunction with a voice-operated or 600
hands-free device feature or function of the vehicle. 601

(C) (1) Notwithstanding any provision of law to the 602
contrary, no law enforcement officer shall cause an operator of 603
an automobile being operated on any street or highway to stop 604
the automobile for the sole purpose of determining whether a 605
violation of division (A) of this section has been or is being 606
committed or for the sole purpose of issuing a ticket, citation, 607
or summons for a violation of that nature or causing the arrest 608
of or commencing a prosecution of a person for a violation of 609
that nature, and no law enforcement officer shall view the 610
interior or visually inspect any automobile being operated on 611
any street or highway for the sole purpose of determining 612
whether a violation of that nature has been or is being 613
committed. 614

(2) On January 31 of each year, the department of public 615
safety shall issue a report to the general assembly that 616
specifies the number of citations issued for violations of this 617
section during the previous calendar year. 618

(D) Whoever violates division (A) of this section is 619
guilty of a minor misdemeanor. 620

(E) This section shall not be construed as invalidating, 621
preempting, or superseding a substantially equivalent municipal 622
ordinance that prescribes penalties for violations of that 623
ordinance that are greater than the penalties prescribed in this 624
section for violations of this section. 625

(F) A prosecution for ~~a~~an offense in violation of this 626
section does not preclude a prosecution for ~~a~~an offense in 627

violation of a substantially equivalent municipal ordinance 628
based on the same conduct. However, ~~if an offender is convicted~~ 629
~~of or pleads guilty to a violation of this section and is also~~ 630
~~convicted of or pleads guilty to a violation of a substantially~~ 631
~~equivalent municipal ordinance based on the same conduct,~~ the 632
two offenses are allied offenses of similar import under section 633
2941.25 of the Revised Code. 634

(G) As used in this section: 635

(1) "Electronic wireless communications device" includes 636
any of the following: 637

(a) A wireless telephone; 638

(b) A text-messaging device; 639

(c) A personal digital assistant; 640

(d) A computer, including a laptop computer and a computer 641
tablet; 642

(e) Any other substantially similar wireless device that 643
is designed or used to communicate text. 644

(2) "Voice-operated or hands-free device" means a device 645
that allows the user to vocally compose or send, or to listen to 646
a text-based communication without the use of either hand except 647
to activate or deactivate a feature or function. 648

(3) "Write, send, or read a text-based communication" 649
means to manually write or send, or read a text-based 650
communication using an electronic wireless communications 651
device, including manually writing or sending, or reading 652
communications referred to as text messages, instant messages, 653
or electronic mail. 654

Sec. 4511.205. (A) No holder of a temporary instruction 655
permit who has not attained the age of eighteen years and no 656
holder of a probationary driver's license shall drive a motor 657
vehicle on any street, highway, or property used by the public 658
for purposes of vehicular traffic or parking while using in any 659
manner an electronic wireless communications device. 660

(B) Division (A) of this section does not apply to either 661
of the following: 662

(1) A person using an electronic wireless communications 663
device for emergency purposes, including an emergency contact 664
with a law enforcement agency, hospital or health care provider, 665
fire department, or other similar emergency agency or entity; 666

(2) A person using an electronic wireless communications 667
device whose motor vehicle is in a stationary position and the 668
motor vehicle is outside a lane of travel; 669

(3) A person using a navigation device in a voice-operated 670
or hands-free manner who does not manipulate the device while 671
driving. 672

(C) (1) Except as provided in division (C) (2) of this 673
section, whoever violates division (A) of this section shall be 674
fined one hundred fifty dollars. In addition, the court shall 675
impose a class seven suspension of the offender's driver's 676
license or permit for a definite period of sixty days. 677

(2) If the person previously has been adjudicated a 678
delinquent child or a juvenile traffic offender for a violation 679
of this section, whoever violates this section shall be fined 680
three hundred dollars. In addition, the court shall impose a 681
class seven suspension of the person's driver's license or 682
permit for a definite period of one year. 683

(D) The filing of a sworn complaint against a person for a juvenile offense in violation of this section does not preclude the filing of a sworn complaint for a juvenile offense in violation of a substantially equivalent municipal ordinance for the same conduct. However, ~~if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of this section and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct,~~ the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(E) As used in this section, "electronic wireless communications device" includes any of the following:

- (1) A wireless telephone;
- (2) A personal digital assistant;
- (3) A computer, including a laptop computer and a computer tablet;
- (4) A text-messaging device;
- (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.

Sec. 4511.991. (A) As used in this section and each section referenced in division (B) of this section, all of the following apply:

(1) "Distracted" means doing either of the following while operating a vehicle:

(a) Using ~~a handheld~~ an electronic wireless communications device, as defined in section 4511.204 of the Revised Code, that

<u>is handheld,</u> except when utilizing any of the following:	712
(i) The device's speakerphone function;	713
(ii) A wireless technology standard for exchanging data over short distances;	714 715
(iii) A "voice-operated or hands-free" device <u>feature</u> that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;	716 717 718 719
(iv) Any device that is physically or electronically integrated into the motor vehicle.	720 721
(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.	722 723 724 725
(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of section 4511.84 of the Revised Code.	726 727 728 729 730
(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals.	731 732 733 734 735
As used in division (A) (3) of this section:	736
(a) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.	737 738

(b) "Utility service vehicle" means a vehicle owned or 739
operated by a utility. 740

(B) If an offender violates section 4511.03, 4511.051, 741
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 742
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 743
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 744
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 745
4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 746
4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 747
4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 748
4511.73 of the Revised Code while distracted and the distracting 749
activity is a contributing factor to the commission of the 750
violation, the offender is subject to the applicable penalty for 751
the violation and, notwithstanding section 2929.28 of the 752
Revised Code, is subject to an additional fine of not more than 753
one hundred dollars as follows: 754

(1) Subject to the mandatory appearance requirements of 755
Traffic Rule 13, if a law enforcement officer issues an offender 756
a ticket, citation, or summons for a violation of any of the 757
aforementioned sections of the Revised Code that indicates that 758
the offender was distracted while committing the violation and 759
that the distracting activity was a contributing factor to the 760
commission of the violation, the offender may enter a written 761
plea of guilty and waive the offender's right to contest the 762
ticket, citation, or summons in a trial provided that the 763
offender pays the total amount of the fine established for the 764
violation and pays the additional fine of one hundred dollars. 765

In lieu of payment of the additional fine of one hundred 766
dollars, the offender instead may elect to attend a distracted 767
driving safety course, the duration and contents of which shall 768

be established by the director of public safety. If the offender 769
attends and successfully completes the course, the offender 770
shall be issued written evidence that the offender successfully 771
completed the course. The offender shall be required to pay the 772
total amount of the fine established for the violation, but 773
shall not be required to pay the additional fine of one hundred 774
dollars, so long as the offender submits to the court both the 775
offender's payment in full and such written evidence. 776

(2) If the offender appears in person to contest the 777
ticket, citation, or summons in a trial and the offender pleads 778
guilty to or is convicted of the violation, the court, in 779
addition to all other penalties provided by law, may impose the 780
applicable penalty for the violation and may impose the 781
additional fine of not more than one hundred dollars. 782

If the court imposes upon the offender the applicable 783
penalty for the violation and an additional fine of not more 784
than one hundred dollars, the court shall inform the offender 785
that, in lieu of payment of the additional fine of not more than 786
one hundred dollars, the offender instead may elect to attend 787
the distracted driving safety course described in division (B) 788
(1) of this section. If the offender elects the course option 789
and attends and successfully completes the course, the offender 790
shall be issued written evidence that the offender successfully 791
completed the course. The offender shall be required to pay the 792
total amount of the fine established for the violation, but 793
shall not be required to pay the additional fine of not more 794
than one hundred dollars, so long as the offender submits to the 795
court the offender's payment and such written evidence. 796

Sec. 5747.502. (A) As used in this section: 797

(1) "Local authority" and "traffic law photo-monitoring" 798

device" have the same meanings as in section 4511.092 of the 799
Revised Code. 800

(2) "School zone" has the same meaning as in section 801
4511.21 of the Revised Code. 802

(3) "Transportation district" means a territorial district 803
established by the director of transportation under section 804
5501.14 of the Revised Code. 805

(4) "District deputy director" means the person appointed 806
and assigned by the director of transportation under section 807
5501.14 of the Revised Code to administer the activities of a 808
transportation district. 809

(B) Annually, on or before the thirty-first day of July, 810
any local authority that operated, directly or indirectly, a 811
traffic law photo-monitoring device during the preceding fiscal 812
year shall file a report with the tax commissioner that includes 813
a detailed statement of the civil fines the local authority has 814
collected from drivers for any violation of any local ordinance 815
or resolution during that period that are based upon evidence 816
recorded by a traffic law photo-monitoring device. The report 817
shall enumerate the gross amount of all such fines that have 818
been collected and the gross amount of such fines that have been 819
collected for violations that occurred within a school zone. For 820
the purposes of divisions (B) and (C) of this section, the gross 821
amount of such fines includes the entire amount paid by the 822
driver. 823

(C) Upon receipt of a report filed pursuant to division 824
(B) of this section, the commissioner shall do the following, as 825
applicable: 826

(1) If the local authority is a municipal corporation, 827

reduce the amount of each of the next twelve payments to the 828
municipal corporation under division (C) of section 5747.50 of 829
the Revised Code by an amount equal to one-twelfth of the gross 830
amount of all fines indicated on the report. If the fines exceed 831
the amount of money the municipal corporation would otherwise 832
receive under division (C) of section 5747.50 of the Revised 833
Code, the commissioner also shall reduce each of the next twelve 834
payments to the appropriate county undivided local government 835
fund under division (B) of section 5747.50 of the Revised Code 836
by an amount equal to one-twelfth of the excess and notify the 837
county auditor and county treasurer of that county that each of 838
the next twelve payments the municipal corporation receives 839
under section 5747.51 or 5747.53 of the Revised Code shall be 840
reduced by one-twelfth of the excess. 841

(2) If the local authority is not a municipal corporation, 842
reduce payments to the appropriate county undivided local 843
government fund under division (B) of section 5747.50 of the 844
Revised Code by an amount equal to one-twelfth of the gross 845
amount of all fines indicated on the report and immediately 846
notify the county auditor and county treasurer of that county 847
that each of the next twelve payments the local authority 848
receives under section 5747.51 or 5747.53 of the Revised Code 849
shall be reduced by one-twelfth of the gross amount of all fines 850
indicated on the report; 851

(3) If one or more payments to the local authority has 852
been withheld under division (D) of this section because of 853
failure to timely file the report, notify the county auditor and 854
county treasurer of the appropriate county that the report has 855
been received and that, subject to divisions (C) (1) and (2) of 856
this section, payments to the local authority from the undivided 857
local government fund are to resume. Subject to divisions (C) (1) 858

and (2) of this section, a county treasurer receiving notice 859
under this section shall provide for payments to the local 860
authority from the county undivided local government fund 861
beginning with the next required payment. 862

(4) On or before the tenth day of each of the next twelve 863
months, make a payment to the local authority in an amount equal 864
to one-twelfth of the gross amount of civil fines collected from 865
drivers for violations of local ordinances or resolutions that 866
occurred within a school zone and are based upon evidence 867
recorded by a traffic law photo-monitoring device, as indicated 868
on the report. Payments received by a local authority under this 869
division shall be used by the local authority for school safety 870
purposes. 871

(D) Upon discovery, based on information in the 872
commissioner's possession, that a local authority required to 873
file a report under division (B) of this section has failed to 874
do so, the commissioner shall do the following, as applicable: 875

(1) If the local authority is a municipal corporation, 876
cease providing for payments to the municipal corporation under 877
section 5747.50 of the Revised Code beginning with the next 878
required payment and until such time as the report is received 879
by the commissioner; 880

(2) For any local authority, reduce payments to the 881
appropriate county undivided local government fund under 882
division (B) of section 5747.50 of the Revised Code by an amount 883
equal to the amount of such payments the local authority would 884
otherwise receive under section 5747.51 or 5747.53 of the 885
Revised Code, beginning with the next required payment and until 886
such time as the report is received by the commissioner; 887

(3) For any local authority, notify the county auditor and 888
county treasurer that such payments are to cease until the 889
commissioner notifies the auditor and treasurer under division 890
(C) (3) of this section that the payments are to resume. 891

(E) A county treasurer that receives a notice from the 892
commissioner under division (C) (1), (2), (3), or (D) (3) of this 893
section shall reduce, cease, or resume payments from the 894
undivided local government fund to the local authority that is 895
the subject of the notice as specified by the commissioner in 896
the notice. Unless otherwise specified in the notice, the 897
payments shall be reduced, ceased, or resumed beginning with the 898
next required payment. 899

(F) There is hereby created in the state treasury the Ohio 900
highway and transportation safety fund. On or before the tenth 901
day of each month, the commissioner shall deposit in the fund an 902
amount equal to the total amount by which payments to local 903
authorities were reduced or ceased under division (C) or (D) of 904
this section minus the total amount of payments made under 905
division (C) (4) of this section. The amount deposited with 906
respect to a local authority shall be credited to an account to 907
be created in the fund for the transportation district in which 908
that local authority is located. If the local authority is 909
located within more than one transportation district, the amount 910
credited to the account of each such transportation district 911
shall be prorated on the basis of the number of centerline miles 912
of public roads and highways in both the local authority and the 913
respective districts. Amounts credited to a transportation 914
district's account shall be used by the department of 915
transportation and the district deputy director exclusively to 916
enhance public safety on public roads and highways within that 917
transportation district. 918

Sec. 5747.51. (A) On or before the twenty-fifth day of 919
July of each year, the tax commissioner shall make and certify 920
to the county auditor of each county an estimate of the amount 921
of the local government fund to be allocated to the undivided 922
local government fund of each county for the ensuing calendar 923
year, adjusting the total as required to account for 924
subdivisions receiving local government funds under section 925
5747.502 of the Revised Code. 926

(B) At each annual regular session of the county budget 927
commission convened pursuant to section 5705.27 of the Revised 928
Code, each auditor shall present to the commission the 929
certificate of the commissioner, the annual tax budget and 930
estimates, and the records showing the action of the commission 931
in its last preceding regular session. The commission, after 932
extending to the representatives of each subdivision an 933
opportunity to be heard, under oath administered by any member 934
of the commission, and considering all the facts and information 935
presented to it by the auditor, shall determine the amount of 936
the undivided local government fund needed by and to be 937
apportioned to each subdivision for current operating expenses, 938
as shown in the tax budget of the subdivision. This 939
determination shall be made pursuant to divisions (C) to (I) of 940
this section, unless the commission has provided for a formula 941
pursuant to section 5747.53 of the Revised Code. The 942
commissioner shall reduce ~~or increase~~ the amount of funds from 943
the undivided local government fund to a subdivision required to 944
receive reduced ~~or increased~~ funds under section 5747.502 of the 945
Revised Code. 946

Nothing in this section prevents the budget commission, 947
for the purpose of apportioning the undivided local government 948
fund, from inquiring into the claimed needs of any subdivision 949

as stated in its tax budget, or from adjusting claimed needs to 950
reflect actual needs. For the purposes of this section, "current 951
operating expenses" means the lawful expenditures of a 952
subdivision, except those for permanent improvements and except 953
payments for interest, sinking fund, and retirement of bonds, 954
notes, and certificates of indebtedness of the subdivision. 955

(C) The commission shall determine the combined total of 956
the estimated expenditures, including transfers, from the 957
general fund and any special funds other than special funds 958
established for road and bridge; street construction, 959
maintenance, and repair; state highway improvement; and gas, 960
water, sewer, and electric public utilities operated by a 961
subdivision, as shown in the subdivision's tax budget for the 962
ensuing calendar year. 963

(D) From the combined total of expenditures calculated 964
pursuant to division (C) of this section, the commission shall 965
deduct the following expenditures, if included in these funds in 966
the tax budget: 967

(1) Expenditures for permanent improvements as defined in 968
division (E) of section 5705.01 of the Revised Code; 969

(2) In the case of counties and townships, transfers to 970
the road and bridge fund, and in the case of municipalities, 971
transfers to the street construction, maintenance, and repair 972
fund and the state highway improvement fund; 973

(3) Expenditures for the payment of debt charges; 974

(4) Expenditures for the payment of judgments. 975

(E) In addition to the deductions made pursuant to 976
division (D) of this section, revenues accruing to the general 977
fund and any special fund considered under division (C) of this 978

section from the following sources shall be deducted from the 979
combined total of expenditures calculated pursuant to division 980
(C) of this section: 981

(1) Taxes levied within the ten-mill limitation, as 982
defined in section 5705.02 of the Revised Code; 983

(2) The budget commission allocation of estimated county 984
public library fund revenues to be distributed pursuant to 985
section 5747.48 of the Revised Code; 986

(3) Estimated unencumbered balances as shown on the tax 987
budget as of the thirty-first day of December of the current 988
year in the general fund, but not any estimated balance in any 989
special fund considered in division (C) of this section; 990

(4) Revenue, including transfers, shown in the general 991
fund and any special funds other than special funds established 992
for road and bridge; street construction, maintenance, and 993
repair; state highway improvement; and gas, water, sewer, and 994
electric public utilities, from all other sources except those 995
that a subdivision receives from an additional tax or service 996
charge voted by its electorate or receives from special 997
assessment or revenue bond collection. For the purposes of this 998
division, where the charter of a municipal corporation prohibits 999
the levy of an income tax, an income tax levied by the 1000
legislative authority of such municipal corporation pursuant to 1001
an amendment of the charter of that municipal corporation to 1002
authorize such a levy represents an additional tax voted by the 1003
electorate of that municipal corporation. For the purposes of 1004
this division, any measure adopted by a board of county 1005
commissioners pursuant to section 322.02, 4504.02, or 5739.021 1006
of the Revised Code, including those measures upheld by the 1007
electorate in a referendum conducted pursuant to section 1008

322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 1009
considered an additional tax voted by the electorate. 1010

Subject to division (G) of section 5705.29 of the Revised 1011
Code, money in a reserve balance account established by a 1012
county, township, or municipal corporation under section 5705.13 1013
of the Revised Code shall not be considered an unencumbered 1014
balance or revenue under division (E) (3) or (4) of this section. 1015
Money in a reserve balance account established by a township 1016
under section 5705.132 of the Revised Code shall not be 1017
considered an unencumbered balance or revenue under division (E) 1018
(3) or (4) of this section. 1019

If a county, township, or municipal corporation has 1020
created and maintains a nonexpendable trust fund under section 1021
5705.131 of the Revised Code, the principal of the fund, and any 1022
additions to the principal arising from sources other than the 1023
reinvestment of investment earnings arising from such a fund, 1024
shall not be considered an unencumbered balance or revenue under 1025
division (E) (3) or (4) of this section. Only investment earnings 1026
arising from investment of the principal or investment of such 1027
additions to principal may be considered an unencumbered balance 1028
or revenue under those divisions. 1029

(F) The total expenditures calculated pursuant to division 1030
(C) of this section, less the deductions authorized in divisions 1031
(D) and (E) of this section, shall be known as the "relative 1032
need" of the subdivision, for the purposes of this section. 1033

(G) The budget commission shall total the relative need of 1034
all participating subdivisions in the county, and shall compute 1035
a relative need factor by dividing the total estimate of the 1036
undivided local government fund by the total relative need of 1037
all participating subdivisions. 1038

(H) The relative need of each subdivision shall be 1039
multiplied by the relative need factor to determine the 1040
proportionate share of the subdivision in the undivided local 1041
government fund of the county; provided, that the maximum 1042
proportionate share of a county shall not exceed the following 1043
maximum percentages of the total estimate of the undivided local 1044
government fund governed by the relationship of the percentage 1045
of the population of the county that resides within municipal 1046
corporations within the county to the total population of the 1047
county as reported in the reports on population in Ohio by the 1048
department of development as of the twentieth day of July of the 1049
year in which the tax budget is filed with the budget 1050
commission: 1051

	Percentage share of	1052
Percentage of municipal	the county shall	1053
population within the county:	not exceed:	1054
Less than forty-one per cent	Sixty per cent	1055
Forty-one per cent or more but	Fifty per cent	1056
less than eighty-one per cent		1057
Eighty-one per cent or more	Thirty per cent	1058

Where the proportionate share of the county exceeds the 1059
limitations established in this division, the budget commission 1060
shall adjust the proportionate shares determined pursuant to 1061
this division so that the proportionate share of the county does 1062
not exceed these limitations, and it shall increase the 1063
proportionate shares of all other subdivisions on a pro rata 1064
basis. In counties having a population of less than one hundred 1065
thousand, not less than ten per cent shall be distributed to the 1066
townships therein. 1067

(I) The proportionate share of each subdivision in the 1068
undivided local government fund determined pursuant to division 1069
(H) of this section for any calendar year shall not be less than 1070
the product of the average of the percentages of the undivided 1071
local government fund of the county as apportioned to that 1072
subdivision for the calendar years 1968, 1969, and 1970, 1073
multiplied by the total amount of the undivided local government 1074
fund of the county apportioned pursuant to former section 1075
5735.23 of the Revised Code for the calendar year 1970. For the 1076
purposes of this division, the total apportioned amount for the 1077
calendar year 1970 shall be the amount actually allocated to the 1078
county in 1970 from the state collected intangible tax as levied 1079
by section 5707.03 of the Revised Code and distributed pursuant 1080
to section 5725.24 of the Revised Code, plus the amount received 1081
by the county in the calendar year 1970 pursuant to division (B) 1082
(1) of former section 5739.21 of the Revised Code, and 1083
distributed pursuant to former section 5739.22 of the Revised 1084
Code. If the total amount of the undivided local government fund 1085
for any calendar year is less than the amount of the undivided 1086
local government fund apportioned pursuant to former section 1087
5739.23 of the Revised Code for the calendar year 1970, the 1088
minimum amount guaranteed to each subdivision for that calendar 1089
year pursuant to this division shall be reduced on a basis 1090
proportionate to the amount by which the amount of the undivided 1091
local government fund for that calendar year is less than the 1092
amount of the undivided local government fund apportioned for 1093
the calendar year 1970. 1094

(J) On the basis of such apportionment, the county auditor 1095
shall compute the percentage share of each such subdivision in 1096
the undivided local government fund and shall at the same time 1097
certify to the tax commissioner the percentage share of the 1098

county as a subdivision. No payment shall be made from the 1099
undivided local government fund, except in accordance with such 1100
percentage shares. 1101

Within ten days after the budget commission has made its 1102
apportionment, whether conducted pursuant to section 5747.51 or 1103
5747.53 of the Revised Code, the auditor shall publish a list of 1104
the subdivisions and the amount each is to receive from the 1105
undivided local government fund and the percentage share of each 1106
subdivision, in a newspaper or newspapers of countywide 1107
circulation, and send a copy of such allocation to the tax 1108
commissioner. 1109

The county auditor shall also send a copy of such 1110
allocation by ordinary or electronic mail to the fiscal officer 1111
of each subdivision entitled to participate in the allocation of 1112
the undivided local government fund of the county. This copy 1113
shall constitute the official notice of the commission action 1114
referred to in section 5705.37 of the Revised Code. 1115

All money received into the treasury of a subdivision from 1116
the undivided local government fund in a county treasury shall 1117
be paid into the general fund and used for the current operating 1118
expenses of the subdivision. 1119

If a municipal corporation maintains a municipal 1120
university, such municipal university, when the board of 1121
trustees so requests the legislative authority of the municipal 1122
corporation, shall participate in the money apportioned to such 1123
municipal corporation from the total local government fund, 1124
however created and constituted, in such amount as requested by 1125
the board of trustees, provided such sum does not exceed nine 1126
per cent of the total amount paid to the municipal corporation. 1127

If any public official fails to maintain the records 1128
required by sections 5747.50 to 5747.55 of the Revised Code or 1129
by the rules issued by the tax commissioner, the auditor of 1130
state, or the treasurer of state pursuant to such sections, or 1131
fails to comply with any law relating to the enforcement of such 1132
sections, the local government fund money allocated to the 1133
county may be withheld until such time as the public official 1134
has complied with such sections or such law or the rules issued 1135
pursuant thereto. 1136

Sec. 5747.53. (A) As used in this section: 1137

(1) "City, located wholly or partially in the county, with 1138
the greatest population" means the city, located wholly or 1139
partially in the county, with the greatest population residing 1140
in the county; however, if the county budget commission on or 1141
before January 1, 1998, adopted an alternative method of 1142
apportionment that was approved by the legislative authority of 1143
the city, located partially in the county, with the greatest 1144
population but not the greatest population residing in the 1145
county, "city, located wholly or partially in the county, with 1146
the greatest population" means the city, located wholly or 1147
partially in the county, with the greatest population whether 1148
residing in the county or not, if this alternative meaning is 1149
adopted by action of the board of county commissioners and a 1150
majority of the boards of township trustees and legislative 1151
authorities of municipal corporations located wholly or 1152
partially in the county. 1153

(2) "Participating political subdivision" means a 1154
municipal corporation or township that satisfies all of the 1155
following: 1156

(a) It is located wholly or partially in the county. 1157

(b) It is not the city, located wholly or partially in the 1158
county, with the greatest population. 1159

(c) Undivided local government fund moneys are apportioned 1160
to it under the county's alternative method or formula of 1161
apportionment in the current calendar year. 1162

(B) In lieu of the method of apportionment of the 1163
undivided local government fund of the county provided by 1164
section 5747.51 of the Revised Code, the county budget 1165
commission may provide for the apportionment of the fund under 1166
an alternative method or on a formula basis as authorized by 1167
this section. The commissioner shall reduce ~~or increase~~ the 1168
amount of funds from the undivided local government fund to a 1169
subdivision required to receive reduced ~~or increased~~ funds under 1170
section 5747.502 of the Revised Code. 1171

Except as otherwise provided in division (C) of this 1172
section, the alternative method of apportionment shall have 1173
first been approved by all of the following governmental units: 1174
the board of county commissioners; the legislative authority of 1175
the city, located wholly or partially in the county, with the 1176
greatest population; and a majority of the boards of township 1177
trustees and legislative authorities of municipal corporations, 1178
located wholly or partially in the county, excluding the 1179
legislative authority of the city, located wholly or partially 1180
in the county, with the greatest population. In granting or 1181
denying approval for an alternative method of apportionment, the 1182
board of county commissioners, boards of township trustees, and 1183
legislative authorities of municipal corporations shall act by 1184
motion. A motion to approve shall be passed upon a majority vote 1185
of the members of a board of county commissioners, board of 1186
township trustees, or legislative authority of a municipal 1187

corporation, shall take effect immediately, and need not be 1188
published. 1189

Any alternative method of apportionment adopted and 1190
approved under this division may be revised, amended, or 1191
repealed in the same manner as it may be adopted and approved. 1192
If an alternative method of apportionment adopted and approved 1193
under this division is repealed, the undivided local government 1194
fund of the county shall be apportioned among the subdivisions 1195
eligible to participate in the fund, commencing in the ensuing 1196
calendar year, under the apportionment provided in section 1197
5747.52 of the Revised Code, unless the repeal occurs by 1198
operation of division (C) of this section or a new method for 1199
apportionment of the fund is provided in the action of repeal. 1200

(C) This division applies only in counties in which the 1201
city, located wholly or partially in the county, with the 1202
greatest population has a population of twenty thousand or less 1203
and a population that is less than fifteen per cent of the total 1204
population of the county. In such a county, the legislative 1205
authorities or boards of township trustees of two or more 1206
participating political subdivisions, which together have a 1207
population residing in the county that is a majority of the 1208
total population of the county, each may adopt a resolution to 1209
exclude the approval otherwise required of the legislative 1210
authority of the city, located wholly or partially in the 1211
county, with the greatest population. All of the resolutions to 1212
exclude that approval shall be adopted not later than the first 1213
Monday of August of the year preceding the calendar year in 1214
which distributions are to be made under an alternative method 1215
of apportionment. 1216

A motion granting or denying approval of an alternative 1217

method of apportionment under this division shall be adopted by 1218
a majority vote of the members of the board of county 1219
commissioners and by a majority vote of a majority of the boards 1220
of township trustees and legislative authorities of the 1221
municipal corporations located wholly or partially in the 1222
county, other than the city, located wholly or partially in the 1223
county, with the greatest population, shall take effect 1224
immediately, and need not be published. The alternative method 1225
of apportionment under this division shall be adopted and 1226
approved annually, not later than the first Monday of August of 1227
the year preceding the calendar year in which distributions are 1228
to be made under it. A motion granting approval of an 1229
alternative method of apportionment under this division repeals 1230
any existing alternative method of apportionment, effective with 1231
distributions to be made from the fund in the ensuing calendar 1232
year. An alternative method of apportionment under this division 1233
shall not be revised or amended after the first Monday of August 1234
of the year preceding the calendar year in which distributions 1235
are to be made under it. 1236

(D) In determining an alternative method of apportionment 1237
authorized by this section, the county budget commission may 1238
include in the method any factor considered to be appropriate 1239
and reliable, in the sole discretion of the county budget 1240
commission. 1241

(E) The limitations set forth in section 5747.51 of the 1242
Revised Code, stating the maximum amount that the county may 1243
receive from the undivided local government fund and the minimum 1244
amount the townships in counties having a population of less 1245
than one hundred thousand may receive from the fund, are 1246
applicable to any alternative method of apportionment authorized 1247
under this section. 1248

(F) On the basis of any alternative method of 1249
apportionment adopted and approved as authorized by this 1250
section, as certified by the auditor to the county treasurer, 1251
the county treasurer shall make distribution of the money in the 1252
undivided local government fund to each subdivision eligible to 1253
participate in the fund, and the auditor, when the amount of 1254
those shares is in the custody of the treasurer in the amounts 1255
so computed to be due the respective subdivisions, shall at the 1256
same time certify to the tax commissioner the percentage share 1257
of the county as a subdivision. All money received into the 1258
treasury of a subdivision from the undivided local government 1259
fund in a county treasury shall be paid into the general fund 1260
and used for the current operating expenses of the subdivision. 1261
If a municipal corporation maintains a municipal university, the 1262
university, when the board of trustees so requests the 1263
legislative authority of the municipal corporation, shall 1264
participate in the money apportioned to the municipal 1265
corporation from the total local government fund, however 1266
created and constituted, in the amount requested by the board of 1267
trustees, provided that amount does not exceed nine per cent of 1268
the total amount paid to the municipal corporation. 1269

(G) The actions of the county budget commission taken 1270
pursuant to this section are final and may not be appealed to 1271
the board of tax appeals, except on the issues of abuse of 1272
discretion and failure to comply with the formula. 1273

Section 2. That existing sections 1901.18, 1901.20, 1274
1907.02, 1907.031, 4511.092, 4511.093, 4511.096, 4511.097, 1275
4511.098, 4511.0910, 4511.204, 4511.205, 4511.991, 5747.51, and 1276
5747.53 and sections 4511.099, 4511.0915, and 5747.502 of the 1277
Revised Code are hereby repealed. 1278

Section 3. Section 5747.51 of the Revised Code is	1279
presented in this act as a composite of the section as amended	1280
by both Sub. H.B. 166 and Sub. H.B. 390 of the 131st General	1281
Assembly. The General Assembly, applying the principle stated in	1282
division (B) of section 1.52 of the Revised Code that amendments	1283
are to be harmonized if reasonably capable of simultaneous	1284
operation, finds that the composite is the resulting version of	1285
the section in effect prior to the effective date of the section	1286
as presented in this act.	1287