

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 12**

**Senator Craig**

**A BILL**

To amend sections 1901.20, 1907.02, and 4511.093 1  
and to enact section 4511.072 of the Revised 2  
Code to make changes to the laws governing 3  
traffic law photo-monitoring devices, other 4  
civil traffic violations, and related fines and 5  
fees. 6

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

**Section 1.** That sections 1901.20, 1907.02, and 4511.093 be 7  
amended and section 4511.072 of the Revised Code be enacted to 8  
read as follows: 9

**Sec. 1901.20.** (A) (1) The municipal court has jurisdiction 10  
to hear misdemeanor cases committed within its territory and has 11  
jurisdiction over the violation of any ordinance of any 12  
municipal corporation within its territory. 13

(2) The municipal court has exclusive jurisdiction over 14  
all civil violations of every state traffic law or municipal 15  
traffic ordinance of each municipal corporation within the 16  
territory of the court unless: 17

(a) The mayor of the municipal corporation has 18  
jurisdiction over the violation pursuant to section 1905.01 of 19

~~the Revised Code<sup>7</sup>, unless~~ 20

~~the~~ (b) The violation is a civil violation based upon 21  
evidence recorded by a traffic law photo-monitoring device and a 22  
ticket is issued pursuant to division (B) (3) of section 4511.093 23  
of the Revised Code ~~or the~~. 24

~~violation is required to be handled by a parking~~ 25  
~~violations bureau or joint parking violations bureau pursuant to~~ 26  
~~Chapter 4521. of the Revised Code. However, the~~ (3) The 27  
municipal court has jurisdiction over the violation of a vehicle 28  
parking or standing resolution or regulation if a local 29  
authority, as defined in division (D) of section 4521.01 of the 30  
Revised Code, has specified that it is not to be considered a 31  
criminal offense, if the violation is committed within the 32  
limits of the court's territory, and if the violation is not 33  
required to be handled by a parking violations bureau or joint 34  
parking violations bureau pursuant to Chapter 4521. of the 35  
Revised Code. However, a municipal court does not have 36  
jurisdiction over a violation required to be handled by a 37  
parking violations bureau or joint parking violations bureau 38  
pursuant to Chapter 4521. of the Revised Code. 39

(4) The municipal court, if it has a housing or 40  
environmental division, has jurisdiction over any criminal 41  
action over which the housing or environmental division is given 42  
jurisdiction by section 1901.181 of the Revised Code, provided 43  
that, except as specified in division (B) of that section, no 44  
judge of the court other than the judge of the division shall 45  
hear or determine any action over which the division has 46  
jurisdiction. In all such prosecutions and cases, the court 47  
shall proceed to a final determination of the prosecution or 48  
case. 49

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

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

~~(C)~~~~(D)~~ (1) A municipal court has jurisdiction over an appeal from a judgment or default judgment entered pursuant to Chapter 4521. of the Revised Code, as authorized by division (D) of section 4521.08 of the Revised Code. The appeal shall be placed on the regular docket of the court and shall be determined by a judge of the court.

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

**Sec. 1907.02.** (A) (1) In addition to other jurisdiction granted a county court in the Revised Code, a county court has jurisdiction of all misdemeanor cases. A county court has jurisdiction to conduct preliminary hearings in felony cases, to bind over alleged felons to the court of common pleas, and to

take other action in felony cases as authorized by Criminal Rule 80  
5. 81

(2) A judge of a county court does not have the authority 82  
to dismiss a criminal complaint, charge, information, or 83  
indictment solely at the request of the complaining witness and 84  
over the objection of the prosecuting attorney, village 85  
solicitor, city director of law, or other chief legal officer 86  
who is responsible for the prosecution of the case. 87

(B) A county court has jurisdiction of the violation of a 88  
vehicle parking or standing ordinance, resolution, or regulation 89  
if a local authority, as defined in division (D) of section 90  
4521.01 of the Revised Code, has specified that it is not to be 91  
considered a criminal offense, if the violation is committed 92  
within the limits of the court's territory, and if the violation 93  
is not required to be handled by a parking violations bureau or 94  
joint parking violations bureau pursuant to Chapter 4521. of the 95  
Revised Code. A county court does not have jurisdiction over 96  
violations of ordinances, resolutions, or regulations that are 97  
required to be handled by a parking violations bureau or joint 98  
parking violations bureau pursuant to that chapter. 99

A county court also has jurisdiction of an appeal from a 100  
judgment or default judgment entered pursuant to Chapter 4521. 101  
of the Revised Code, as authorized by division (D) of section 102  
4521.08 of the Revised Code. Any such appeal shall be placed on 103  
the regular docket of the court and shall be determined by a 104  
judge of the court. 105

(C) A county court has jurisdiction over an appeal of a 106  
written decision rendered by a hearing officer under section 107  
4511.099 of the Revised Code if the hearing officer that 108  
rendered the decision was appointed by a local authority within 109

the jurisdiction of the court. 110

(D) Except as provided in division (B) of this section, a 111  
county court has exclusive jurisdiction over all civil 112  
violations of every state traffic law or municipal traffic 113  
ordinance within the territory of the court, unless the 114  
violation is a civil violation based upon evidence recorded by a 115  
traffic law photo-monitoring device and a ticket is issued 116  
pursuant to division (B) (3) of section 4511.093 of the Revised 117  
Code or the mayor of a municipal corporation has jurisdiction 118  
over the violation pursuant to section 1905.01 of the Revised 119  
Code. 120

**Sec. 4511.072.** (A) A municipal corporation that does not 121  
have the authority to establish a mayor's court under section 122  
1905.01 of the Revised Code shall not impose a fine, fee, or 123  
other charge for a traffic violation that exceeds the applicable 124  
fine, fee, or other charge for the substantially equivalent 125  
state violation established pursuant to Traffic Rule 13(C) by 126  
the municipal or county court having territorial jurisdiction 127  
over the location of the violation. 128

(B) A municipal corporation that does not have the 129  
authority to establish a mayor's court under section 1905.01 of 130  
the Revised Code shall not charge a fine, fee, or other charge 131  
for a traffic violation that is not included in the schedule of 132  
finest for state violations established pursuant to Traffic Rule 133  
13(C) by the municipal or county court having territorial 134  
jurisdiction over the location of the violation. 135

**Sec. 4511.093.** (A) A local authority may utilize a traffic 136  
law photo-monitoring device for the purpose of detecting traffic 137  
law violations. If the local authority is a county or township, 138  
the board of county commissioners or the board of township 139

trustees may adopt such resolutions as may be necessary to 140  
enable the county or township to utilize traffic law photo- 141  
monitoring devices. 142

(B) The use of a traffic law photo-monitoring device is 143  
subject to the following conditions: 144

(1) A local authority shall use a traffic law photo- 145  
monitoring device to detect and enforce traffic law violations 146  
only if a law enforcement officer is present at the location of 147  
the device at all times during the operation of the device and 148  
if the local authority complies with sections 4511.094 and 149  
4511.095 of the Revised Code. 150

(2) A law enforcement officer who is present at the 151  
location of any traffic law photo-monitoring device and who 152  
personally witnesses a traffic law violation may issue a ticket 153  
for the violation. Such a ticket shall be issued in accordance 154  
with section 2935.25 of the Revised Code and is not subject to 155  
sections 4511.096 to 4511.0910 and section 4511.912 of the 156  
Revised Code. 157

(3) If a traffic law photo-monitoring device records a 158  
traffic law violation and the law enforcement officer who was 159  
present at the location of the traffic law photo-monitoring 160  
device does not issue a ticket as provided under division (B) (2) 161  
of this section, the local authority may only issue a ticket in 162  
accordance with sections 4511.096 to 4511.0912 of the Revised 163  
Code. 164

(C) No township constable appointed under section 509.01 165  
of the Revised Code, member of a police force of a township or 166  
joint police district created under section 505.48 or 505.482 of 167  
the Revised Code, or other representative of a township shall 168

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| <u>utilize a traffic law photo-monitoring device to detect and</u> | 169 |
| <u>enforce traffic law violations on an interstate highway.</u>    | 170 |
| <b>Section 2.</b> That existing sections 1901.20, 1907.02, and     | 171 |
| 4511.093 of the Revised Code are hereby repealed.                  | 172 |