

**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**

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**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
<b>Sec. 4511.092.</b> 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) <del>"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.</del>	270 271 272 273 274 275 276
<del>(C)</del> "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" <del>device</del> <u>feature</u> that allows the person to use the <del>electronic wireless communications</del> 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 operated by a utility.

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

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

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

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

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

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

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

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

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

<b>Section 3.</b> 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