

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 410

Representatives Seitz, Butler

**Cosponsors: Representatives Brinkman, Merrin, Hood, Becker, Brenner, Wiggam,
Lang, Retherford, Patton, Blessing, Vitale**

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, 5747.51, and 3
5747.53, to enact new sections 4511.099 and 4
5747.502, and to repeal sections 4511.099, 5
4511.0915, and 5747.502 of the Revised Code to 6
grant municipal and county courts original and 7
exclusive jurisdiction over any civil action 8
concerning a traffic law violation, to specify 9
that the court require an advance deposit for 10
the filing of specified civil actions by the 11
local authority bringing the civil action, and 12
to modify the reporting requirements and LGF 13
withholding that apply to subdivisions that 14
operate traffic law photo-monitoring devices. 15

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

Section 1. That sections 1901.18, 1901.20, 1907.02, 16
1907.031, 4511.092, 4511.093, 4511.096, 4511.097, 4511.098, 17
4511.0910, 5747.51, and 5747.53 be amended and new sections 18

4511.099 and 5747.502 of the Revised Code be enacted to read as 19
follows: 20

Sec. 1901.18. (A) Except as otherwise provided in this 21
division or section 1901.181 of the Revised Code, subject to the 22
monetary jurisdiction of municipal courts as set forth in 23
section 1901.17 of the Revised Code, a municipal court has 24
original jurisdiction within its territory in all of the 25
following actions or proceedings and to perform all of the 26
following functions: 27

(1) In any civil action, of whatever nature or remedy, of 28
which judges of county courts have jurisdiction; 29

(2) In any action or proceeding at law for the recovery of 30
money or personal property of which the court of common pleas 31
has jurisdiction; 32

(3) In any action at law based on contract, to determine, 33
preserve, and enforce all legal and equitable rights involved in 34
the contract, to decree an accounting, reformation, or 35
cancellation of the contract, and to hear and determine all 36
legal and equitable remedies necessary or proper for a complete 37
determination of the rights of the parties to the contract; 38

(4) In any action or proceeding for the sale of personal 39
property under chattel mortgage, lien, encumbrance, or other 40
charge, for the foreclosure and marshalling of liens on personal 41
property of that nature, and for the rendering of personal 42
judgment in the action or proceeding; 43

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

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| property to satisfy judgments enforceable by the municipal court; | 48 49 |
| (6) In any action or proceeding in the nature of interpleader; | 50 51 |
| (7) In any action of replevin; | 52 |
| (8) In any action of forcible entry and detainer; | 53 |
| (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; | 54 55 56 57 58 59 |
| (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; | 60 61 62 63 64 65 66 |
| (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; | 67 68 69 70 |
| (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; | 71 72 73 74 75 |

(13) In a proceeding brought pursuant to section 955.222 76
of the Revised Code by the owner of a dog that has been 77
designated as a nuisance dog, dangerous dog, or vicious dog; 78

(14) In every civil action concerning a violation of a 79
state traffic law or a municipal traffic ordinance. 80

(B) The Cleveland municipal court also shall have 81
jurisdiction within its territory in all of the following 82
actions or proceedings and to perform all of the following 83
functions: 84

(1) In all actions and proceedings for the sale of real 85
property under lien of a judgment of the municipal court or a 86
lien for machinery, material, or fuel furnished or labor 87
performed, irrespective of amount, and, in those actions and 88
proceedings, the court may proceed to foreclose and marshal all 89
liens and all vested or contingent rights, to appoint a 90
receiver, and to render personal judgment irrespective of amount 91
in favor of any party. 92

(2) In all actions for the foreclosure of a mortgage on 93
real property given to secure the payment of money or the 94
enforcement of a specific lien for money or other encumbrance or 95
charge on real property, when the amount claimed by the 96
plaintiff does not exceed fifteen thousand dollars and the real 97
property is situated within the territory, and, in those 98
actions, the court may proceed to foreclose all liens and all 99
vested and contingent rights and may proceed to render judgments 100
and make findings and orders between the parties in the same 101
manner and to the same extent as in similar actions in the court 102
of common pleas. 103

(3) In all actions for the recovery of real property 104

situated within the territory to the same extent as courts of 105
common pleas have jurisdiction; 106

(4) In all actions for injunction to prevent or terminate 107
violations of the ordinances and regulations of the city of 108
Cleveland enacted or promulgated under the police power of the 109
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 110
Constitution, over which the court of common pleas has or may 111
have jurisdiction, and, in those actions, the court may proceed 112
to render judgments and make findings and orders in the same 113
manner and to the same extent as in similar actions in the court 114
of common pleas. 115

(C) As used in this section, "violation of a state traffic 116
law or a municipal traffic ordinance" has the same meaning as in 117
section 1901.20 of the Revised Code. 118

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

not to be considered a criminal offense, if the violation is 135
committed within the limits of the court's territory, and if the 136
violation is not required to be handled by a parking violations 137
bureau or joint parking violations bureau pursuant to Chapter 138
4521. of the Revised Code. 139

The municipal court, if it has a housing or environmental 140
division, has jurisdiction over any criminal action over which 141
the housing or environmental division is given jurisdiction by 142
section 1901.181 of the Revised Code, provided that, except as 143
specified in division (B) of that section, no judge of the court 144
other than the judge of the division shall hear or determine any 145
action over which the division has jurisdiction. In all such 146
prosecutions and cases, the court shall proceed to a final 147
determination of the prosecution or case. 148

(2) A judge of a municipal court does not have the 149
authority to dismiss a criminal complaint, charge, information, 150
or indictment solely at the request of the complaining witness 151
and over the objection of the prosecuting attorney, village 152
solicitor, city director of law, or other chief legal officer 153
who is responsible for the prosecution of the case. 154

(B) The municipal court has jurisdiction to hear felony 155
cases committed within its territory. In all felony cases, the 156
court may conduct preliminary hearings and other necessary 157
hearings prior to the indictment of the defendant or prior to 158
the court's finding that there is probable and reasonable cause 159
to hold or recognize the defendant to appear before a court of 160
common pleas and may discharge, recognize, or commit the 161
defendant. 162

(C) ~~(1)~~ A municipal court has jurisdiction over an appeal 163
from a judgment or default judgment entered pursuant to Chapter 164

4521. of the Revised Code, as authorized by division (D) of 165
section 4521.08 of the Revised Code. The appeal shall be placed 166
on the regular docket of the court and shall be determined by a 167
judge of the court. 168

~~(2) A municipal court has jurisdiction over an appeal of a 169
written decision rendered by a hearing officer under section 170
4511.099 of the Revised Code if the hearing officer that 171
rendered the decision was appointed by a local authority within 172
the jurisdiction of the court. 173~~

(D) As used in this section, "violation of a state traffic 174
law or a municipal traffic ordinance" includes, but is not 175
limited to, a traffic law violation recorded by a traffic law 176
photo-monitoring device, as defined in section 4511.092 of the 177
Revised Code. 178

Sec. 1907.02. (A) (1) In addition to other jurisdiction 179
granted a county court in the Revised Code, a county court has 180
jurisdiction of all misdemeanor cases. A county court has 181
jurisdiction to conduct preliminary hearings in felony cases, to 182
bind over alleged felons to the court of common pleas, and to 183
take other action in felony cases as authorized by Criminal Rule 184
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(2) A judge of a county court does not have the authority 186
to dismiss a criminal complaint, charge, information, or 187
indictment solely at the request of the complaining witness and 188
over the objection of the prosecuting attorney, village 189
solicitor, city director of law, or other chief legal officer 190
who is responsible for the prosecution of the case. 191

(B) A county court has jurisdiction of the violation of a 192
vehicle parking or standing ordinance, resolution, or regulation 193

if a local authority, as defined in division (D) of section 194
4521.01 of the Revised Code, has specified that it is not to be 195
considered a criminal offense, if the violation is committed 196
within the limits of the court's territory, and if the violation 197
is not required to be handled by a parking violations bureau or 198
joint parking violations bureau pursuant to Chapter 4521. of the 199
Revised Code. A county court does not have jurisdiction over 200
violations of ordinances, resolutions, or regulations that are 201
required to be handled by a parking violations bureau or joint 202
parking violations bureau pursuant to that chapter. 203

A county court also has jurisdiction of an appeal from a 204
judgment or default judgment entered pursuant to Chapter 4521. 205
of the Revised Code, as authorized by division (D) of section 206
4521.08 of the Revised Code. Any such appeal shall be placed on 207
the regular docket of the court and shall be determined by a 208
judge of the court. 209

(C) A county court has exclusive jurisdiction over an 210
appeal of a written decision rendered by a hearing officer under 211
section 4511.099 of the Revised Code if the hearing officer that 212
rendered the decision was appointed by a local authority within 213
the jurisdiction of the court every civil action concerning a 214
violation of a state traffic law or a municipal traffic 215
ordinance, if the violation is committed within the limits of 216
the court's territory. 217

(D) As used in this section, "violation of a state traffic 218
law or a municipal traffic ordinance" has the same meaning as in 219
section 1901.20 of the Revised Code. 220

Sec. 1907.031. (A) Except as otherwise provided in section 221
1907.03 of the Revised Code and in addition to the jurisdiction 222
authorized in other sections of this chapter and in section 223

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| 1909.11 of the Revised Code, a county court has original | 224 |
| jurisdiction within its district in all of the following actions | 225 |
| or proceedings and to perform all of the following functions: | 226 |
| (1) In an action or proceeding at law for the recovery of | 227 |
| money or personal property of which the court of common pleas | 228 |
| has jurisdiction; | 229 |
| (2) In an action at law based on contract, to determine, | 230 |
| preserve, and enforce all legal and equitable rights involved in | 231 |
| the contract, to decree an accounting, reformation, or | 232 |
| cancellation of the contract, and to hear and determine all | 233 |
| legal and equitable remedies necessary or proper for a complete | 234 |
| determination of the rights of the parties to the contract; | 235 |
| (3) In an action or proceeding for the sale of personal | 236 |
| property under chattel mortgage, lien, encumbrance, or other | 237 |
| charge, for the foreclosure and marshalling of liens on the | 238 |
| personal property, and for the rendering of personal judgment in | 239 |
| the action or proceeding; | 240 |
| (4) In an action or proceeding to enforce the collection | 241 |
| of its own judgments and to subject the interest of a judgment | 242 |
| debtor in personal property to satisfy judgments enforceable by | 243 |
| the county court; | 244 |
| (5) In an action or proceeding in the nature of | 245 |
| interpleader; | 246 |
| (6) In an action of forcible entry and detainer; | 247 |
| (7) In a proceeding brought pursuant to section 955.222 of | 248 |
| the Revised Code by the owner of a dog that has been designated | 249 |
| as a nuisance dog, dangerous dog, or vicious dog; | 250 |
| <u>(8) In every civil action or proceeding concerning a</u> | 251 |

violation of a state traffic law or a municipal traffic ordinance. 252
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(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. 254
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(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. 260
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Sec. 4511.092. As used in sections 4511.092 to 4511.0914 of the Revised Code: 263
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(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. 265
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~~(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.~~ 271
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~~(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 278
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township, or police officer of a township or joint police 281
district, who is employed on a permanent, full-time basis by the 282
law enforcement agency of a local authority that assigns such 283
person to the location of a traffic law photo-monitoring device. 284

~~(D)~~ (C) "Local authority" means a municipal corporation, 285
county, or township. 286

~~(E)~~ (D) "Motor vehicle leasing dealer" has the same 287
meaning as in section 4517.01 of the Revised Code. 288

~~(F)~~ (E) "Motor vehicle renting dealer" has the same 289
meaning as in section 4549.65 of the Revised Code. 290

~~(G)~~ (F) "Recorded images" means any of the following 291
images recorded by a traffic law photo-monitoring device that 292
show, on at least one image or on a portion of the videotape, 293
the rear of a motor vehicle and the letters and numerals on the 294
rear license plate of the vehicle: 295

(1) Two or more photographs, microphotographs, electronic 296
images, or digital images; 297

(2) Videotape. 298

~~(H)~~ (G) "Registered owner" means all of the following: 299

(1) Any person or entity identified by the bureau of motor 300
vehicles or any other state motor vehicle registration bureau, 301
department, or office as the owner of a motor vehicle; 302

(2) The lessee of a motor vehicle under a lease of six 303
months or longer; 304

(3) The renter of a motor vehicle pursuant to a written 305
rental agreement with a motor vehicle renting dealer. 306

~~(I)~~ (H) "System location" means the approach to an 307

intersection or area of roadway toward which a traffic law photo-monitoring device is directed and is in operation.

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

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

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

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

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

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

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

(1) A local authority shall use a traffic law photo- 337
monitoring device to detect and enforce traffic law violations 338
only if a law enforcement officer is present at the location of 339
the device at all times during the operation of the device and 340
if the local authority complies with sections 4511.094 and 341
4511.095 of the Revised Code. 342

(2) A law enforcement officer who is present at the 343
location of any traffic law photo-monitoring device and who 344
personally witnesses a traffic law violation may issue a ticket 345
for the violation. Such a ticket shall be issued in accordance 346
with section ~~2935.25~~2935.26 of the Revised Code and is not 347
subject to sections 4511.096 to 4511.0910 and section 4511.912 348
of the Revised Code. 349

(3) If a traffic law photo-monitoring device records a 350
traffic law violation and the law enforcement officer who was 351
present at the location of the traffic law photo-monitoring 352
device does not issue a ticket as provided under division (B) (2) 353
of this section, the local authority may only issue a ticket in 354
accordance with sections 4511.096 to 4511.0912 of the Revised 355
Code. 356

Sec. 4511.096. (A) A law enforcement officer employed by a 357
local authority utilizing a traffic law photo-monitoring device 358
shall examine evidence of alleged traffic law violations 359
recorded by the device to determine whether such a violation has 360
occurred. If the image recorded by the traffic law photo- 361
monitoring device shows such a violation, contains the date and 362
time of the violation, and shows the letter and numerals on the 363
license plate of the vehicle involved as well as the state that 364
issued the license plate, the officer may use any lawful means 365
to identify the registered owner. 366

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

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

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

Sec. 4511.097. (A) A traffic law violation for which a ticket is issued by a local authority ~~pursuant to division (B) (3) of section 4511.093 of the Revised Code~~ based on evidence recorded by a traffic law photo-monitoring device is a civil violation. If a local authority issues a ticket for such a violation, the ticket shall comply with the requirements of this section and the fine for such a ticket shall not exceed the amount of the fine that may be imposed for a substantially equivalent criminal traffic law violation.

(B) A local authority or its designee shall process such a

ticket for a civil violation and shall send the ticket by 397
ordinary mail to any registered owner of the motor vehicle that 398
is the subject of the traffic law violation. The local authority 399
or designee shall ensure that the ticket contains all of the 400
following: 401

- (1) The name and address of the registered owner; 402
- (2) The letters and numerals appearing on the license 403
plate issued to the motor vehicle; 404
- (3) The traffic law violation charged; 405
- (4) The system location; 406
- (5) The date and time of the violation; 407
- (6) A copy of the recorded images; 408
- (7) The name and badge number of the law enforcement 409
officer who was present at the system location at the time of 410
the violation, if applicable; 411
- (8) The amount of the civil penalty imposed, the date by 412
which the civil penalty is required to be paid, and the address 413
of the municipal court or county court with jurisdiction over 414
the civil action to which the payment is to be sent; 415
- (9) A statement signed by a law enforcement officer 416
employed by the local authority indicating that, based on an 417
inspection of recorded images, the motor vehicle was involved in 418
a traffic law violation, and a statement indicating that the 419
recorded images are prima facie evidence of that traffic law 420
violation both of which may be signed electronically; 421
- (10) Information advising the person or entity alleged to 422
be liable of the options prescribed in section 4511.098 of the 423

Revised Code, specifically to include the time, place, and 424
manner in which ~~an administrative appeal may be initiated~~ the 425
person or entity may appear in court to contest the violation 426
and ticket and the procedure for disclaiming liability by 427
submitting an affidavit to the municipal court or county court 428
as prescribed in that section; 429

(11) A warning that failure to exercise one of the options 430
prescribed in section 4511.098 of the Revised Code is deemed to 431
be an admission of liability and waiver of the opportunity to 432
contest the violation. 433

(C) A local authority or its designee shall send a ticket 434
not later than thirty days after the date of the alleged traffic 435
law violation. 436

(D) The local authority or its designee may elect to send 437
by ordinary mail a warning notice in lieu of a ticket under this 438
section. 439

Sec. 4511.098. (A) A person or entity who receives a 440
ticket for a civil violation sent in compliance with section 441
4511.097 of the Revised Code shall elect to do one of the 442
following: 443

(1) In accordance with instructions on the ticket, pay the 444
civil penalty, thereby ~~failing to contest~~ admitting liability 445
and waiving the opportunity to contest the violation; 446

(2) (a) Within thirty days after receipt of the ticket, 447
provide the ~~law enforcement agency of the local authority~~ 448
municipal court or county court with jurisdiction over the civil 449
action with either of the following affidavits: 450

(i) An affidavit executed by the registered owner stating 451
that another person was operating the vehicle of the registered 452

owner at the time of the violation, identifying that person as a 453
designated party who may be held liable for the violation, and 454
containing at a minimum the name and address of the designated 455
party; 456

(ii) An affidavit executed by the registered owner stating 457
that at the time of the violation, the motor vehicle or the 458
license plates issued to the motor vehicle were stolen and 459
therefore were in the care, custody, or control of some person 460
or entity to whom the registered owner did not grant permission 461
to use the motor vehicle. In order to demonstrate that the motor 462
vehicle or the license plates were stolen prior to the traffic 463
law violation and therefore were not under the control or 464
possession of the registered owner at the time of the violation, 465
the registered owner shall submit proof that a report about the 466
stolen motor vehicle or license plates was filed with the 467
appropriate law enforcement agency prior to the violation or 468
within forty-eight hours after the violation occurred. 469

(b) A registered owner is not responsible for a traffic 470
law violation if, within thirty days after the date of mailing 471
of the ticket, the registered owner furnishes an affidavit 472
specified in division (A) (2) (a) (i) or (ii) of this section to 473
the ~~local authority court with jurisdiction~~ in a form 474
established by the ~~local authority court~~ and the following 475
conditions are met: 476

(i) If the registered owner submits an affidavit as 477
specified in division (A) (2) (a) (i) of this section, the 478
designated party either accepts liability for the violation by 479
paying the civil penalty or by failing to request an 480
~~administrative a court~~ hearing within thirty days or is 481
determined liable in ~~an administrative a court~~ hearing; 482

(ii) If the registered owner submits an affidavit as 483
specified in division (A) (2) (a) (ii) of this section, the 484
affidavit is supported by a stolen vehicle or stolen license 485
plate report as required in that division. 486

(3) If the registered owner is a motor vehicle leasing 487
dealer or a motor vehicle renting dealer, notify the ~~law-~~ 488
~~enforcement agency of the local authority court with~~ 489
jurisdiction of the name and address of the lessee or renter of 490
the motor vehicle at the time of the traffic law violation. The 491
court shall establish the form of the notice. A motor vehicle 492
leasing dealer or motor vehicle renting dealer who receives a 493
ticket for an alleged traffic law violation detected by a 494
traffic law photo-monitoring device is not liable for a ticket 495
issued for a motor vehicle that was in the care, custody, or 496
control of a lessee or renter at the time of the alleged 497
violation. The dealer shall not pay such a ticket and 498
subsequently attempt to collect a fee or assess the lessee or 499
renter a charge for any payment of such a ticket made on behalf 500
of the lessee or renter. 501

(4) If the vehicle involved in the traffic law violation 502
is a commercial motor vehicle and the ticket is issued to a 503
corporate entity, provide to the ~~law enforcement agency of the~~ 504
~~local authority court with jurisdiction~~ an affidavit in a form 505
established by the court, sworn to or affirmed by an agent of 506
the corporate entity, that provides the name and address of the 507
employee who was operating the motor vehicle at the time of the 508
alleged violation and who is the designated party. 509

(5) Contest the ticket by filing a written request for ~~an~~ 510
~~administrative~~ a court hearing to review the ticket in a form 511
established by the court. The person or entity shall file the 512

written request not later than thirty days after receipt of the 513
ticket. The failure to request a hearing within this time period 514
constitutes a waiver of the right to contest the violation and 515
ticket, and is deemed to constitute an admission of liability 516
and waiver of the opportunity to contest the violation. 517

(B) A ~~local authority court with jurisdiction~~ that 518
receives an affidavit described in division (A) (2) (a) (i) or (A) 519
(4) of this section or a notification under division (A) (3) of 520
this section from a registered owner may proceed to notify the 521
local authority to send a ticket that conforms with division (B) 522
of section 4511.097 of the Revised Code to the designated party. 523
The local authority shall send the ticket to the designated 524
party by ordinary mail not later than twenty-one days after 525
receipt of the ~~affidavit or~~ notification. 526

Sec. 4511.099. (A) Notwithstanding any other provision in 527
the Revised Code, when a certified copy of a ticket issued by a 528
local authority based on evidence recorded by a traffic law 529
photo-monitoring device is filed with the municipal court or 530
county court with jurisdiction over the civil action, the court 531
shall require the local authority to provide an advance deposit 532
for the filing of the civil action. The advance deposit shall 533
consist of all applicable court costs and fees for the civil 534
action. The court shall retain the advance deposit regardless of 535
which party prevails in the civil action. 536

(B) (1) The court shall not charge to the registered owner 537
or designated party any court costs and fees for the civil 538
action. 539

(2) If the registered owner or designated party pays the 540
civil penalty in accordance with division (A) (1) of section 541
4511.098 of the Revised Code or contests the ticket under 542

division (A) (5) of that section and does not prevail in the 543
civil action, the registered owner or designated party shall 544
only pay the amount of the civil penalty imposed for the 545
violation. 546

Sec. 4511.0910. A traffic law violation for which a civil 547
penalty is imposed under sections 4511.097 ~~to 4511.099~~ and 548
4511.098 of the Revised Code is not a moving violation and 549
points shall not be assessed against a person's driver's license 550
under section 4510.036 of the Revised Code. In no case shall 551
such a violation be reported to the bureau of motor vehicles or 552
motor vehicle registration bureau, department, or office of any 553
other state, nor shall such a violation be recorded on the 554
driving record of the owner or operator of the vehicle involved 555
in the violation. 556

Sec. 5747.502. (A) As used in this section, "local 557
authority" and "traffic law photo-monitoring device" have the 558
same meanings as in section 4511.092 of the Revised Code. 559

(B) Annually, on or before the thirty-first day of July, 560
any local authority that operated, directly or indirectly, a 561
traffic law photo-monitoring device during the preceding fiscal 562
year shall file a report with the tax commissioner that includes 563
a detailed statement of the civil fines the local authority has 564
collected from drivers for any violation of any local ordinance 565
or resolution during that period that are based upon evidence 566
recorded by a traffic law photo-monitoring device, including the 567
gross amount of such fines that have been collected. For the 568
purposes of divisions (B) and (C) of this section, the gross 569
amount of such fines includes the entire amount paid by the 570
driver. 571

(C) Upon receipt of a report filed pursuant to division 572

(B) of this section, the commissioner shall do the following, as 573
applicable: 574

(1) If the local authority is a municipal corporation, 575
reduce the amount of each of the next twelve payments to the 576
municipal corporation under division (C) of section 5747.50 of 577
the Revised Code by an amount equal to one-twelfth of the gross 578
amount of fines indicated on the report. If the fines exceed the 579
amount of money the subdivision would otherwise receive under 580
division (C) of section 5747.50 of the Revised Code, the 581
commissioner also shall reduce each of the next twelve payments 582
to the appropriate county undivided local government fund under 583
division (B) of section 5747.50 of the Revised Code by an amount 584
equal to one-twelfth of the excess and notify the county auditor 585
and county treasurer of that county that each of the next twelve 586
payments the municipal corporation receives under section 587
5747.51 or 5747.53 of the Revised Code shall be reduced by one- 588
twelfth of the excess. 589

(2) If the local authority is not a municipal corporation, 590
reduce payments to the appropriate county undivided local 591
government fund under division (B) of section 5747.50 of the 592
Revised Code by an amount equal to one-twelfth of the gross 593
amount of fines indicated on the report and immediately notify 594
the county auditor and county treasurer of that county that each 595
of the next twelve payments the municipal corporation receives 596
under section 5747.51 or 5747.53 of the Revised Code shall be 597
reduced by one-twelfth of the gross amount of fines indicated on 598
the report; 599

(3) If one or more payments to the local authority has 600
been withheld under division (D) of this section because of 601
failure to timely file the report, notify the county auditor and 602

county treasurer of the appropriate county that the report has 603
been received and that, subject to divisions (C) (1) and (2) of 604
this section, payments to the local authority from the undivided 605
local government fund are to resume. Subject to divisions (C) (1) 606
and (2) of this section, a county treasurer receiving notice 607
under this section shall provide for payments to the local 608
authority from the county undivided local government fund 609
beginning with the next required payment. 610

(D) Upon discovery, based on information in the 611
commissioner's possession, that a local authority required to 612
file a report under division (B) of this section has failed to 613
do so, the commissioner shall do the following, as applicable: 614

(1) If the local authority is a municipal corporation, 615
cease providing for payments to the municipal corporation under 616
section 5747.50 of the Revised Code beginning with the next 617
required payment and until such time as the report is received 618
by the commissioner; 619

(2) For any local authority, reduce payments to the 620
appropriate county undivided local government fund under 621
division (B) of section 5747.50 of the Revised Code by an amount 622
equal to the amount of such payments the local authority would 623
otherwise receive under section 5747.51 or 5747.53 of the 624
Revised Code, beginning with the next required payment and until 625
such time as the report is received by the commissioner; 626

(3) For any local authority, notify the county auditor and 627
county treasurer that such payments are to cease until the 628
commissioner notifies the auditor and treasurer under division 629
(C) (3) of this section that the payments are to resume. 630

(E) A county treasurer that receives a notice from the 631

commissioner under division (C) (1), (2), (3), or (D) (3) of this 632
section shall reduce, cease, or resume payments from the 633
undivided local government fund to the local authority that is 634
the subject of the notice as specified by the commissioner in 635
the notice. Unless otherwise specified in the notice, the 636
payments shall be reduced, ceased, or resumed beginning with the 637
next required payment. 638

(F) On or before the tenth day of each month, the 639
commissioner shall deposit an amount equal to the payments 640
reduced or withheld under divisions (C) (1), (2), (D) (1), and (2) 641
of this section to the Ohio highway and transportation safety 642
fund which is hereby created in the state treasury. Amounts 643
credited to the fund shall be used by the department of 644
transportation to enhance public safety on public roads and 645
highways. 646

Sec. 5747.51. (A) On or before the twenty-fifth day of 647
July of each year, the tax commissioner shall make and certify 648
to the county auditor of each county an estimate of the amount 649
of the local government fund to be allocated to the undivided 650
local government fund of each county for the ensuing calendar 651
year, adjusting the total as required to account for 652
subdivisions receiving local government funds under section 653
5747.502 of the Revised Code. 654

(B) At each annual regular session of the county budget 655
commission convened pursuant to section 5705.27 of the Revised 656
Code, each auditor shall present to the commission the 657
certificate of the commissioner, the annual tax budget and 658
estimates, and the records showing the action of the commission 659
in its last preceding regular session. The commission, after 660
extending to the representatives of each subdivision an 661

opportunity to be heard, under oath administered by any member 662
of the commission, and considering all the facts and information 663
presented to it by the auditor, shall determine the amount of 664
the undivided local government fund needed by and to be 665
apportioned to each subdivision for current operating expenses, 666
as shown in the tax budget of the subdivision. This 667
determination shall be made pursuant to divisions (C) to (I) of 668
this section, unless the commission has provided for a formula 669
pursuant to section 5747.53 of the Revised Code. The 670
commissioner shall reduce ~~or increase~~ the amount of funds from 671
the undivided local government fund to a subdivision required to 672
receive reduced ~~or increased~~ funds under section 5747.502 of the 673
Revised Code. 674

Nothing in this section prevents the budget commission, 675
for the purpose of apportioning the undivided local government 676
fund, from inquiring into the claimed needs of any subdivision 677
as stated in its tax budget, or from adjusting claimed needs to 678
reflect actual needs. For the purposes of this section, "current 679
operating expenses" means the lawful expenditures of a 680
subdivision, except those for permanent improvements and except 681
payments for interest, sinking fund, and retirement of bonds, 682
notes, and certificates of indebtedness of the subdivision. 683

(C) The commission shall determine the combined total of 684
the estimated expenditures, including transfers, from the 685
general fund and any special funds other than special funds 686
established for road and bridge; street construction, 687
maintenance, and repair; state highway improvement; and gas, 688
water, sewer, and electric public utilities operated by a 689
subdivision, as shown in the subdivision's tax budget for the 690
ensuing calendar year. 691

(D) From the combined total of expenditures calculated 692
pursuant to division (C) of this section, the commission shall 693
deduct the following expenditures, if included in these funds in 694
the tax budget: 695

(1) Expenditures for permanent improvements as defined in 696
division (E) of section 5705.01 of the Revised Code; 697

(2) In the case of counties and townships, transfers to 698
the road and bridge fund, and in the case of municipalities, 699
transfers to the street construction, maintenance, and repair 700
fund and the state highway improvement fund; 701

(3) Expenditures for the payment of debt charges; 702

(4) Expenditures for the payment of judgments. 703

(E) In addition to the deductions made pursuant to 704
division (D) of this section, revenues accruing to the general 705
fund and any special fund considered under division (C) of this 706
section from the following sources shall be deducted from the 707
combined total of expenditures calculated pursuant to division 708
(C) of this section: 709

(1) Taxes levied within the ten-mill limitation, as 710
defined in section 5705.02 of the Revised Code; 711

(2) The budget commission allocation of estimated county 712
public library fund revenues to be distributed pursuant to 713
section 5747.48 of the Revised Code; 714

(3) Estimated unencumbered balances as shown on the tax 715
budget as of the thirty-first day of December of the current 716
year in the general fund, but not any estimated balance in any 717
special fund considered in division (C) of this section; 718

(4) Revenue, including transfers, shown in the general 719

fund and any special funds other than special funds established 720
for road and bridge; street construction, maintenance, and 721
repair; state highway improvement; and gas, water, sewer, and 722
electric public utilities, from all other sources except those 723
that a subdivision receives from an additional tax or service 724
charge voted by its electorate or receives from special 725
assessment or revenue bond collection. For the purposes of this 726
division, where the charter of a municipal corporation prohibits 727
the levy of an income tax, an income tax levied by the 728
legislative authority of such municipal corporation pursuant to 729
an amendment of the charter of that municipal corporation to 730
authorize such a levy represents an additional tax voted by the 731
electorate of that municipal corporation. For the purposes of 732
this division, any measure adopted by a board of county 733
commissioners pursuant to section 322.02, 4504.02, or 5739.021 734
of the Revised Code, including those measures upheld by the 735
electorate in a referendum conducted pursuant to section 736
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be 737
considered an additional tax voted by the electorate. 738

Subject to division (G) of section 5705.29 of the Revised 739
Code, money in a reserve balance account established by a 740
county, township, or municipal corporation under section 5705.13 741
of the Revised Code shall not be considered an unencumbered 742
balance or revenue under division (E) (3) or (4) of this section. 743
Money in a reserve balance account established by a township 744
under section 5705.132 of the Revised Code shall not be 745
considered an unencumbered balance or revenue under division (E) 746
(3) or (4) of this section. 747

If a county, township, or municipal corporation has 748
created and maintains a nonexpendable trust fund under section 749
5705.131 of the Revised Code, the principal of the fund, and any 750

additions to the principal arising from sources other than the 751
reinvestment of investment earnings arising from such a fund, 752
shall not be considered an unencumbered balance or revenue under 753
division (E) (3) or (4) of this section. Only investment earnings 754
arising from investment of the principal or investment of such 755
additions to principal may be considered an unencumbered balance 756
or revenue under those divisions. 757

(F) The total expenditures calculated pursuant to division 758
(C) of this section, less the deductions authorized in divisions 759
(D) and (E) of this section, shall be known as the "relative 760
need" of the subdivision, for the purposes of this section. 761

(G) The budget commission shall total the relative need of 762
all participating subdivisions in the county, and shall compute 763
a relative need factor by dividing the total estimate of the 764
undivided local government fund by the total relative need of 765
all participating subdivisions. 766

(H) The relative need of each subdivision shall be 767
multiplied by the relative need factor to determine the 768
proportionate share of the subdivision in the undivided local 769
government fund of the county; provided, that the maximum 770
proportionate share of a county shall not exceed the following 771
maximum percentages of the total estimate of the undivided local 772
government fund governed by the relationship of the percentage 773
of the population of the county that resides within municipal 774
corporations within the county to the total population of the 775
county as reported in the reports on population in Ohio by the 776
department of development as of the twentieth day of July of the 777
year in which the tax budget is filed with the budget 778
commission: 779

Percentage share of 780

| | | |
|--------------------------------|------------------|-----|
| Percentage of municipal | the county shall | 781 |
| population within the county: | not exceed: | 782 |
| Less than forty-one per cent | Sixty per cent | 783 |
| Forty-one per cent or more but | Fifty per cent | 784 |
| less than eighty-one per cent | | 785 |
| Eighty-one per cent or more | Thirty per cent | 786 |

Where the proportionate share of the county exceeds the 787
limitations established in this division, the budget commission 788
shall adjust the proportionate shares determined pursuant to 789
this division so that the proportionate share of the county does 790
not exceed these limitations, and it shall increase the 791
proportionate shares of all other subdivisions on a pro rata 792
basis. In counties having a population of less than one hundred 793
thousand, not less than ten per cent shall be distributed to the 794
townships therein. 795

(I) The proportionate share of each subdivision in the 796
undivided local government fund determined pursuant to division 797
(H) of this section for any calendar year shall not be less than 798
the product of the average of the percentages of the undivided 799
local government fund of the county as apportioned to that 800
subdivision for the calendar years 1968, 1969, and 1970, 801
multiplied by the total amount of the undivided local government 802
fund of the county apportioned pursuant to former section 803
5735.23 of the Revised Code for the calendar year 1970. For the 804
purposes of this division, the total apportioned amount for the 805
calendar year 1970 shall be the amount actually allocated to the 806
county in 1970 from the state collected intangible tax as levied 807
by section 5707.03 of the Revised Code and distributed pursuant 808
to section 5725.24 of the Revised Code, plus the amount received 809

by the county in the calendar year 1970 pursuant to division (B) 810
(1) of former section 5739.21 of the Revised Code, and 811
distributed pursuant to former section 5739.22 of the Revised 812
Code. If the total amount of the undivided local government fund 813
for any calendar year is less than the amount of the undivided 814
local government fund apportioned pursuant to former section 815
5739.23 of the Revised Code for the calendar year 1970, the 816
minimum amount guaranteed to each subdivision for that calendar 817
year pursuant to this division shall be reduced on a basis 818
proportionate to the amount by which the amount of the undivided 819
local government fund for that calendar year is less than the 820
amount of the undivided local government fund apportioned for 821
the calendar year 1970. 822

(J) On the basis of such apportionment, the county auditor 823
shall compute the percentage share of each such subdivision in 824
the undivided local government fund and shall at the same time 825
certify to the tax commissioner the percentage share of the 826
county as a subdivision. No payment shall be made from the 827
undivided local government fund, except in accordance with such 828
percentage shares. 829

Within ten days after the budget commission has made its 830
apportionment, whether conducted pursuant to section 5747.51 or 831
5747.53 of the Revised Code, the auditor shall publish a list of 832
the subdivisions and the amount each is to receive from the 833
undivided local government fund and the percentage share of each 834
subdivision, in a newspaper or newspapers of countywide 835
circulation, and send a copy of such allocation to the tax 836
commissioner. 837

The county auditor shall also send a copy of such 838
allocation by ordinary or electronic mail to the fiscal officer 839

of each subdivision entitled to participate in the allocation of 840
the undivided local government fund of the county. This copy 841
shall constitute the official notice of the commission action 842
referred to in section 5705.37 of the Revised Code. 843

All money received into the treasury of a subdivision from 844
the undivided local government fund in a county treasury shall 845
be paid into the general fund and used for the current operating 846
expenses of the subdivision. 847

If a municipal corporation maintains a municipal 848
university, such municipal university, when the board of 849
trustees so requests the legislative authority of the municipal 850
corporation, shall participate in the money apportioned to such 851
municipal corporation from the total local government fund, 852
however created and constituted, in such amount as requested by 853
the board of trustees, provided such sum does not exceed nine 854
per cent of the total amount paid to the municipal corporation. 855

If any public official fails to maintain the records 856
required by sections 5747.50 to 5747.55 of the Revised Code or 857
by the rules issued by the tax commissioner, the auditor of 858
state, or the treasurer of state pursuant to such sections, or 859
fails to comply with any law relating to the enforcement of such 860
sections, the local government fund money allocated to the 861
county may be withheld until such time as the public official 862
has complied with such sections or such law or the rules issued 863
pursuant thereto. 864

Sec. 5747.53. (A) As used in this section: 865

(1) "City, located wholly or partially in the county, with 866
the greatest population" means the city, located wholly or 867
partially in the county, with the greatest population residing 868

in the county; however, if the county budget commission on or 869
before January 1, 1998, adopted an alternative method of 870
apportionment that was approved by the legislative authority of 871
the city, located partially in the county, with the greatest 872
population but not the greatest population residing in the 873
county, "city, located wholly or partially in the county, with 874
the greatest population" means the city, located wholly or 875
partially in the county, with the greatest population whether 876
residing in the county or not, if this alternative meaning is 877
adopted by action of the board of county commissioners and a 878
majority of the boards of township trustees and legislative 879
authorities of municipal corporations located wholly or 880
partially in the county. 881

(2) "Participating political subdivision" means a 882
municipal corporation or township that satisfies all of the 883
following: 884

(a) It is located wholly or partially in the county. 885

(b) It is not the city, located wholly or partially in the 886
county, with the greatest population. 887

(c) Undivided local government fund moneys are apportioned 888
to it under the county's alternative method or formula of 889
apportionment in the current calendar year. 890

(B) In lieu of the method of apportionment of the 891
undivided local government fund of the county provided by 892
section 5747.51 of the Revised Code, the county budget 893
commission may provide for the apportionment of the fund under 894
an alternative method or on a formula basis as authorized by 895
this section. The commissioner shall reduce ~~or increase~~ the 896
amount of funds from the undivided local government fund to a 897

subdivision required to receive reduced ~~or increased~~ funds under 898
section 5747.502 of the Revised Code. 899

Except as otherwise provided in division (C) of this 900
section, the alternative method of apportionment shall have 901
first been approved by all of the following governmental units: 902
the board of county commissioners; the legislative authority of 903
the city, located wholly or partially in the county, with the 904
greatest population; and a majority of the boards of township 905
trustees and legislative authorities of municipal corporations, 906
located wholly or partially in the county, excluding the 907
legislative authority of the city, located wholly or partially 908
in the county, with the greatest population. In granting or 909
denying approval for an alternative method of apportionment, the 910
board of county commissioners, boards of township trustees, and 911
legislative authorities of municipal corporations shall act by 912
motion. A motion to approve shall be passed upon a majority vote 913
of the members of a board of county commissioners, board of 914
township trustees, or legislative authority of a municipal 915
corporation, shall take effect immediately, and need not be 916
published. 917

Any alternative method of apportionment adopted and 918
approved under this division may be revised, amended, or 919
repealed in the same manner as it may be adopted and approved. 920
If an alternative method of apportionment adopted and approved 921
under this division is repealed, the undivided local government 922
fund of the county shall be apportioned among the subdivisions 923
eligible to participate in the fund, commencing in the ensuing 924
calendar year, under the apportionment provided in section 925
5747.52 of the Revised Code, unless the repeal occurs by 926
operation of division (C) of this section or a new method for 927
apportionment of the fund is provided in the action of repeal. 928

(C) This division applies only in counties in which the 929
city, located wholly or partially in the county, with the 930
greatest population has a population of twenty thousand or less 931
and a population that is less than fifteen per cent of the total 932
population of the county. In such a county, the legislative 933
authorities or boards of township trustees of two or more 934
participating political subdivisions, which together have a 935
population residing in the county that is a majority of the 936
total population of the county, each may adopt a resolution to 937
exclude the approval otherwise required of the legislative 938
authority of the city, located wholly or partially in the 939
county, with the greatest population. All of the resolutions to 940
exclude that approval shall be adopted not later than the first 941
Monday of August of the year preceding the calendar year in 942
which distributions are to be made under an alternative method 943
of apportionment. 944

A motion granting or denying approval of an alternative 945
method of apportionment under this division shall be adopted by 946
a majority vote of the members of the board of county 947
commissioners and by a majority vote of a majority of the boards 948
of township trustees and legislative authorities of the 949
municipal corporations located wholly or partially in the 950
county, other than the city, located wholly or partially in the 951
county, with the greatest population, shall take effect 952
immediately, and need not be published. The alternative method 953
of apportionment under this division shall be adopted and 954
approved annually, not later than the first Monday of August of 955
the year preceding the calendar year in which distributions are 956
to be made under it. A motion granting approval of an 957
alternative method of apportionment under this division repeals 958
any existing alternative method of apportionment, effective with 959

distributions to be made from the fund in the ensuing calendar year. An alternative method of apportionment under this division shall not be revised or amended after the first Monday of August of the year preceding the calendar year in which distributions are to be made under it.

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

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

(F) On the basis of any alternative method of apportionment adopted and approved as authorized by this section, as certified by the auditor to the county treasurer, the county treasurer shall make distribution of the money in the undivided local government fund to each subdivision eligible to participate in the fund, and the auditor, when the amount of those shares is in the custody of the treasurer in the amounts so computed to be due the respective subdivisions, shall at the same time certify to the tax commissioner the percentage share of the county as a subdivision. All money received into the treasury of a subdivision from the undivided local government fund in a county treasury shall be paid into the general fund and used for the current operating expenses of the subdivision.

If a municipal corporation maintains a municipal university, the 990
university, when the board of trustees so requests the 991
legislative authority of the municipal corporation, shall 992
participate in the money apportioned to the municipal 993
corporation from the total local government fund, however 994
created and constituted, in the amount requested by the board of 995
trustees, provided that amount does not exceed nine per cent of 996
the total amount paid to the municipal corporation. 997

(G) The actions of the county budget commission taken 998
pursuant to this section are final and may not be appealed to 999
the board of tax appeals, except on the issues of abuse of 1000
discretion and failure to comply with the formula. 1001

Section 2. That existing sections 1901.18, 1901.20, 1002
1907.02, 1907.031, 4511.092, 4511.093, 4511.096, 4511.097, 1003
4511.098, 4511.0910, 5747.51, and 5747.53 and sections 4511.099, 1004
4511.0915, and 5747.502 of the Revised Code are hereby repealed. 1005

Section 3. Section 5747.51 of the Revised Code is 1006
presented in this act as a composite of the section as amended 1007
by both Sub. H.B. 166 and Sub. H.B. 390 of the 131st General 1008
Assembly. The General Assembly, applying the principle stated in 1009
division (B) of section 1.52 of the Revised Code that amendments 1010
are to be harmonized if reasonably capable of simultaneous 1011
operation, finds that the composite is the resulting version of 1012
the section in effect prior to the effective date of the section 1013
as presented in this act. 1014