



Ohio Legislative Service Commission

Bill Analysis

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H.B. 335*

131st General Assembly
(As Reported by H. Local Government)

Reps. Craig and Grossman, Brenner, Becker, K. Smith, M. O'Brien, Boyce

BILL SUMMARY

- Specifies the jurisdiction of a municipal or county court over a violation of a traffic-related municipal ordinance is exclusive unless the mayor of the municipal corporation has jurisdiction over the violation.
- Eliminates jurisdiction of a county court over a violation that is based on evidence recorded by a traffic law photo-monitoring device and for which a ticket is issued by a county, township, or municipal corporation under the civil violation ticketing process.
- Prohibits a municipal corporation that is not authorized to establish a mayor's court from imposing or charging fines, fees, or other charges that are in excess of, or not included in, the applicable municipal or county court's schedule of fines and costs.

CONTENT AND OPERATION

Jurisdiction of municipal or county court to hear violation of traffic-related municipal ordinance dependent on mayor's court jurisdiction

The bill specifies that the jurisdiction a municipal or county court has over the violation of a traffic-related municipal ordinance committed within the court's territory is exclusive unless the mayor of the municipal corporation has jurisdiction over the violation. If a mayor's court does have jurisdiction, jurisdiction over the violation is concurrently held by the municipal or county court and the mayor's court of the municipality. Therefore, if Ohio law does not authorize a municipal corporation to

* This analysis was prepared before the report of the House Local Government Committee appeared in the House Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

establish a mayor's court, a violation of a traffic-related ordinance is exclusively within the jurisdiction of the municipal or county court.¹

Jurisdiction of a county court over ticket issued under civil violation ticketing process

The bill exempts, from the jurisdiction of a county court, civil violations based on evidence recorded by a traffic law photo-monitoring device and for which a ticket is issued by a county, township, or municipal corporation under the civil violation ticketing process.² Under continuing law, a municipal court also does not have such jurisdiction.³ Appeals of civil violations are heard in an administrative hearing by an officer appointed by a county, township, or municipal corporation. Municipal and county courts have jurisdiction over an appeal of a decision rendered by a hearing officer under the process.⁴

Fine, fee, or other charge for a traffic violation imposed or charged by municipal corporation

A municipal or county court is required to establish a schedule of fines and costs for traffic violations.⁵ The bill prohibits a municipal corporation that is not authorized to establish a mayor's court from imposing or charging a fine, fee, or other charge that is in excess of, or not included in, the schedule of fines and costs established by the municipal or county court having territorial jurisdiction over the location of the violation, but the bill does not prohibit municipalities authorized to establish mayor's courts in the same manner.⁶

Generally, a municipal corporation that has a population of more than 200 may establish a mayor's court. However, there are exceptions including that a municipal corporation that is the site of a municipal court may not establish a mayor's court.⁷ The

¹ R.C. 1905.01, not in the bill, and 1901.20 and 1907.02.

² R.C. 4511.093(B)(3), not in the bill, and 1907.02(D).

³ R.C. 1901.20(A)(1). The bill makes this division (A)(2)(b), but the law is unchanged.

⁴ R.C. 4511.099(G), not in the bill, and 1907.02(C).

⁵ Ohio Traffic Rule 13 as adopted by the Ohio Supreme Court.

⁶ R.C. 4511.072.

⁷ See R.C. 1905.01 for all exceptions. See R.C. 1901.01(A) for a list of municipal corporations that are the site of a municipal court.

mayor in a municipal corporation authorized to establish a mayor's court is not required to exercise its jurisdiction by establishing a mayor's court.⁸

COMMENT

Insofar as the bill directly regulates municipal activity, it may be subject to challenge under the home rule provision of the Ohio Constitution. Under home rule authority, municipalities have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations as are not in conflict with general laws. The regulation of traffic is an exercise of municipal police power⁹ and is valid so long as it does not conflict with a general law.¹⁰ By prohibiting activities of municipal corporations, the bill may be found to only limit the legislative power of a municipality rather than set forth a police regulation.

Generally, a municipal ordinance is in conflict with a general law if the ordinance permits or licenses what a statute forbids or prohibits.¹¹ The Ohio Supreme Court has held, in the context of criminal penalties that a municipal ordinance is not in conflict with a general law on the same subject only because the municipal ordinance imposes a greater penalty than state law.¹²

HISTORY

ACTION

Introduced
Reported, H. Local Gov't

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DATE

09-22-15

⁸ *State ex rel Boston Heights vs. Petsche* (Summit 1985), 27 Ohio App. 3d 106.

⁹ *Linndale v. State* (1999), 85 Ohio St.3d 52, citing *Geauga Cty. Bd. of Commrs. v. Munn Rd. Sand & Gravel* (1993), 67 Ohio St.3d 579.

¹⁰ A general law is a statute that: (1) is part of a statewide and comprehensive legislative enactment, (2) applies to all parts of the state alike and operates uniformly throughout the state, (3) sets forth police, sanitary, or similar regulations, rather than purports only to grant or limit the legislative power of a municipal corporation to set forth police, sanitary, or similar regulations, and (4) prescribes a rule of conduct upon citizens generally. *Canton v. State* (2002), 95 Ohio St.3d 149.

¹¹ *Struthers v. Sokol* (1923), 108 Ohio St. 263.

¹² *City of Niles v. Howard* (1984), 12 Ohio St.3d 162. Though, an ordinance that includes a criminal penalty is in conflict if it alters the degree of penalty under the statute from misdemeanor to felony, or vice versa. *Niles; Cleveland v. Betts* (1958), 168 Ohio St. 386.

