



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Margaret E. Marcy

Sub. H.B. 125*

132nd General Assembly

(As Reported by S. Local Gov't, Public Safety and Veterans Affairs)

Reps. Craig and Seitz, West, Leland, Young, Retherford, Sheehy, Patterson, K. Smith, Antonio, Celebrezze, Boccieri, Cera, O'Brien, Howse, Boggs, Ashford, Sykes, Rogers, Boyd, Manning, Rezabek, Arndt, Barnes, Blessing, Brenner, Dever, Gavarone, Ginter, Goodman, Green, Hambley, Holmes, Householder, Ingram, Johnson, Kick, McColley, Patton, Ramos, Reineke, Roegner, Schaffer, Slaby, R. Smith, Sprague, Stein, Sweeney, Thompson, Wiggam

BILL SUMMARY

- Specifies that a municipal or county court has exclusive jurisdiction over a civil violation of a traffic-related state law or municipal ordinance unless:
 - The mayor's court of the municipal corporation has jurisdiction over the violation;
 - or
 - The violation was recorded by a traffic law photo-monitoring device ("traffic camera") in accordance with state-authorized civil procedures.
- Prohibits a municipal corporation that is not authorized to establish a mayor's court from doing both of the following:
 - Imposing a fine for a traffic violation that is in excess of the fine for an equivalent state traffic violation, as established by the municipal or county court with jurisdiction over the location of the violation.
 - Imposing a fine for a traffic violation that is not included in the schedule of fines established by the municipal or county court with jurisdiction over the location of the violation.

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

- Prohibits any township law enforcement officer or township representative from using a traffic camera on an interstate highway.

CONTENT AND OPERATION

Municipal and county court jurisdiction

Background

Mayor's courts are courts authorized by statute but are not courts of record. The General Assembly's authority to create and abolish mayor's courts is conferred by the Ohio Constitution.¹ 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.² Additionally, the mayor in a municipal corporation authorized to establish a mayor's court is not required to exercise the mayor's jurisdiction by establishing a mayor's court.³

The Ohio Supreme Court has recognized that a municipal corporation (a village or a city) is authorized under their home rule authority to establish a civil traffic enforcement system.⁴ At least one village has adopted a civil traffic enforcement system for *all* traffic offenses. Most other municipal corporations that have adopted a civil traffic enforcement system do so only with regard to violations detected by traffic camera systems, which only enforce traffic light and speeding violations. Municipal corporations that adopt a civil traffic enforcement system with regard to traffic cameras may follow the procedures established in state law or adopt their own procedures pursuant to their constitutional home rule authority.⁵

Jurisdiction over civil traffic-related laws and ordinances

The bill grants a municipal or county court exclusive jurisdiction over all civil violations of traffic-related state laws or municipal ordinances committed within the court's territory. This jurisdiction applies unless:

¹ Ohio Constitution, Art. IV, § 1.

² See R.C. 1905.01, not in the bill, for all exceptions. See R.C. 1901.01(A), not in the bill, for a list of municipal corporations that are the site of a municipal court.

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

⁴ *Mendenhall v. Akron*, 117 Ohio St.3d 33 (2008); Ohio Constitution, Article XVIII, § 1; Ohio Constitution, Art. XVIII, § 3.

⁵ *City of Dayton v. State*, 151 Ohio St.3d 168 (2017).



(1) The mayor's court of the municipal corporation has jurisdiction over the violation; or

(2) The violation was recorded by a traffic camera and a ticket was issued pursuant to state law governing traffic cameras.

If a mayor's court has jurisdiction over the civil violation, that jurisdiction is concurrently held by the municipal or county court and the mayor's court of the municipality. Therefore, under the bill, if Ohio law does not authorize a municipal corporation to establish a mayor's court, a civil violation of a traffic-related ordinance is exclusively within the jurisdiction of the municipal or county court.⁶

Jurisdiction over civil traffic camera violations

Under current law, civil violations based on evidence recorded by a traffic camera for which a ticket is issued by a county, township, or municipal corporation under the state civil violation ticketing process are not under the original jurisdiction of a municipal or county court.⁷ Rather, initial challenges to such civil violations are heard in an administrative hearing by an officer appointed by the relevant county, township, or municipal corporation. Municipal and county courts have jurisdiction over an appeal of a decision rendered by the administrative hearing officer under that process.⁸ The bill reaffirms this process. However, it is unclear whether such civil violations, when issued by a municipal corporation outside of the state authorized process under its home rule authority, are subject to the municipal or county courts exclusive jurisdiction established by the bill.

Penalty for a traffic violation imposed by a municipal corporation

Under current law, a municipal or county court is required to establish a schedule of fines and costs for traffic violations.⁹ The bill prohibits a municipal corporation that is not authorized to establish a mayor's court from doing either of the following:

(1) Imposing a fine, fee, or other charge that is in excess of the schedule of fines and costs for state violations established by the municipal or county court having territorial jurisdiction over the location of the violation; and

⁶ R.C. 1905.01, not in the bill, and 1901.20 and 1907.02.

⁷ R.C. 1901.20(A)(2)(b), 1907.02(D), and 4511.093(B)(3).

⁸ R.C. 4511.099(A) and (G), not in the bill, 1901.20(D)(2), and 1907.02(C).

⁹ Ohio Traffic Rule 13 as adopted by the Ohio Supreme Court.



(2) Charging a fine, fee, or other charge for a traffic violation that is not included in the schedule of fines for state violations established by the municipal or county court having territorial jurisdiction over the location of the violation.

The bill does not restrict municipalities authorized to establish mayor's courts in the same manner (see **COMMENT**, below).¹⁰

Use of traffic cameras on interstate highways

The bill prohibits a township law enforcement officer or any other township representative from using a traffic camera on interstate highways.¹¹ Current law authorizes a local authority, which includes townships, to utilize a traffic camera for the purpose of detecting specific traffic violations (failure to comply with a red signal at a traffic light and the applicable speed limit), subject to statutory conditions.¹² The statutory conditions under current law, however, do not limit the use of traffic cameras to specific highways or prevent the use of the traffic cameras on interstate highways.

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 power¹³ and is valid so long as it does not conflict with a general law.¹⁴ By prohibiting the activities of specific municipal corporations, the bill may be found to only limit the legislative power of a municipality, rather than set forth a police regulation.

¹⁰ R.C. 4511.072.

¹¹ R.C. 4511.093(C).

¹² R.C. 4511.092(K) and (L), not in the bill, and 4511.093.

¹³ *Linndale v. State*, 85 Ohio St.3d 52 (1999), citing *Geauga Cty. Bd. of Commrs. v. Munn Rd. Sand & Gravel*, 67 Ohio St.3d 579 (1993).

¹⁴ 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*, 95 Ohio St.3d 149 (2002).



Generally, a municipal ordinance is in conflict with a general law if the ordinance permits or licenses what a statute forbids or prohibits, or vice versa.¹⁵ 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.¹⁶

HISTORY

ACTION	DATE
Introduced	03-09-17
Reported, H. Criminal Justice	06-21-17
Passed House (92-1)	06-21-17
Reported, S. Local Gov't, Public Safety & Veterans Affairs	---

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¹⁵ *Struthers v. Sokol*, 108 Ohio St. 263 (1923).

¹⁶ *City of Niles v. Howard*, 12 Ohio St.3d 162 (1984). 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*, 168 Ohio St. 386 (1958).

