

TRAFFIC DIVISION

Pursuant To Section 2937.46, Ohio Revised Code, the Supreme Court of Ohio is empowered to make uniform traffic rules applicable to municipal courts. This has been done in the form of the Ohio Traffic Rules. The rules should be consulted in all matters of practice and procedure relating to traffic cases.

SCOPE OF RULES; APPLICABILITY; AUTHORITY AND CONSTRUCTION Tr. R 1

- (A) Applicability. These rules prescribe the procedure to be followed in all courts of this state in traffic cases and supersede the "Ohio Rules of Practice and Procedure in Traffic Cases For All Courts Inferior To Common Pleas" effective January 1, 1969, and as amended on January 4, 1971, and December 7, 1972.
- (B) Authority and Construction. These rules are promulgated pursuant to authority granted the Supreme Court §2935.17 and 2937.46. They shall be construed and applied to secure the fair impartial, speedy and sure administration of justice, simplicity and uniformity in procedure, and the elimination of unjustifiable expense and delay.

Definitions Tr. R. 2

As used in these rules:

"Traffic case" means all proceedings involving violations of laws, ordinances and regulations governing the operation and use of vehicles, conduct of pedestrians in relation thereto, and governing weight, dimension, loads or equipment or vehicles drawn or moved on highways and bridges.

"Traffic ticket" means the traffic complaint and summons described in Rule 3 and which appears in the Appendix of forms.

"Highway" includes "street" and "alleys".

"petty offense" means an offense for which the penalty prescribed by law includes confinement for six months or less.

"Serious offense" means an offense for which the penalty prescribed by law includes confinement for more than six months.

"Court" means municipal court, county court, juvenile court, police court, and mayor's court.

"Judge" means judge of the municipal court, county court, juvenile court, mayor's court and police court.

"Prosecuting attorney" means the attorney general of this state, the prosecuting attorney of a county, the law director, city solicitor or other officer who prosecutes a criminal case on behalf of the state or a city, village, township, or other political subdivision, and the assistant or assistants or any of them.

"State" means this state, a county, city, village, township or other political subdivision or any other entity of this state which may prosecute a criminal action.

“Clerk of court” means the duly elected or appointed clerk of any court of record or police court, or the deputy of any of them, and the mayor of a municipal corporation having a municipal court.

“Review Commission” means the committees appointed by the Supreme Court to study and consider the application and administration of these rules.

COMPLAINT AND SUMMONS; FORM; USE (RECORDS) Tr. R. 3

- (A) Traffic complaint and summons. In traffic cases the complaint and summons shall be the “Ohio Uniform Traffic Ticket” as set out in the traffic rules appendix of forms.

Note: Upon the commencement of a traffic case by the filing of an Ohio Uniform Traffic Ticket, the Clerk shall assign a case number (Sup. R.12 (E)). This number shall be placed on all papers filed in the action, in the appearance docket and the index.

- (B) Traffic complaint and summons form. The Ohio Uniform Traffic Ticket shall consist of four sheets, padded together and bound at the top or bottom edge. Each sheet shall be 4 ¼ inches in width and 9 ½ inches in length from a perforation below the binding to the bottom edge. The first sheet shall be white and second sheet shall be canary yellow. Where an additional copy is needed by an agency, it may be added. The first and second sheets shall be at least fifteen pound paper.

The first sheet shall be the court record.

The second sheet shall be the abstract of court record for the Bureau of Motor Vehicles as required by §4507.40.

The third sheet shall be the defendant’s copy.

The fourth sheet shall be the enforcement agency record.

A wrap-around may be added to the first sheet. The issuing authority may use the front and back of the wrap-around for any data or information it may require.

Each ticket shall be perforated tab bound at the edge or end with carbon paper interlaced so that all carbon paper is securely bound to the tab removable with it, or shall be on treated paper so that marking from the top sheet is transferred legibly to successive sheets in the group.

- (C) Use of the ticket. The Ohio Uniform Traffic Ticket shall be used in all moving traffic cases but its use for parking and equipment violations is optional in each local jurisdiction. Any ticket properly issued to a law enforcement officer shall be accepted for filing and disposition in any court having jurisdiction over the offense alleged. An officer who completes a ticket at the scene of an alleged offense shall not be required to rewrite or type a new complaint as a condition of filing the ticket unless the original complaint is illegible or does not state an offense. If a new complaint is executed, a copy shall be served upon defendant as soon as possible.

- (D) Issuance of tickets to enforcement agencies. The judge in a single-judge court, and the administrative judge in multi-judge courts, shall designate the issuing authority for tickets and shall prescribe the conditions of issuance and accountability. The issuing authority

may be the clerk of the court, the violations clerk, or the enforcement agency of the municipality.

When a single enforcement agency except the State Highway Patrol regularly has cases in more than one court, the ticket used by such agency shall be issued through the court for adults in the most populous area in the jurisdiction of the agency. Tickets used by the State Highway Patrol shall be issued by the Superintendent of the State Highway Patrol.

(E) Duty of law enforcement officer. A law enforcement officer who issues a ticket shall complete and sign the ticket, serve a copy of the completed ticket upon the defendant and, without unnecessary delay, file the court copy with the court.

If the defendant deposits his current valid Ohio operator's or chauffeur's license with the officer as security the officer shall notify the defendant that if he does not appear at the time and place stated in the citation or comply with §2935.26(C), his license will be canceled, that he will not be eligible for the reissuance of the license or the issuance of a new license for one year after cancellation and that he is subject to any applicable criminal penalties.

BAIL AND SECURITY Tr. R. r Cr. R. 46 (A) (B) (B.3)

(A) Posting of bail; depositing of security. The posting of bail or the depositing of security is for the purpose of securing appearance or compliance with §2935.26(C) only. The forfeiture of the bail or security is not a substitute for appearance in court, compliance with §2935.26(C), and payment of penalty imposed on pleas of finding of guilty.

§2935.26(C) (Issuance of citation for minor misdemeanor.) (C) In lieu of appearing at the time and place stated in the citation, the offender may, within seven days after the date of issuance of the citation, do either if the following: (Tr. R. 13 Violations Bureau)

- (1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;
- (2) Sign the guilty plea and waiver of trial provision of the citation, and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant. (Waiver Rule 13)

(B) Bail and security procedure. Criminal Rule 46 governs bail in traffic cases. In addition, the provisions of §2937.221 and §2935.27 apply in traffic cases.

BAIL Cr. R. 46 (A) (B) (B.3)

(A) Purpose of and right to bail. The purpose of bail is to insure that the defendant appears at all stages of the criminal proceedings. All persons are entitled to bail, except in capital cases where the proof is evident or the presumption great.

(B) Where summons has issued and the defendant has appeared, the judge shall release the defendant on his personal recognizance, or upon the execution of an unsecured appearance bond.

(C) Pretrial release in felony cases.

(D) Pretrial release in misdemeanor cases. A person arrested for a misdemeanor and not released pursuant to Rule 4 (F), shall be released by the clerk of court, or if the clerk is not available, the officer in charge of the facility to which the person is brought, on his personal recognizance, or upon the execution of an unsecured appearance bond in the amount specified in the bail schedule established by the court. If the clerk or officer in charge of the facility determines pursuant to (F) that such release will not reasonably assure appearance as required, the person shall be eligible for release by doing any of the following, at his option.

- (1) Executing an appearance bond in the amount specified in the court's bail schedule, with a deposit of either \$25.00 or a sum of money equal to ten percent of the amount of the bond, whichever is greater. Ninety percent of the deposit shall be returned upon the performance of the conditions of the appearance bond, and ten percent is retained as court cost.
- (2) Posting a bond in the amount specified in the court's bail schedule, which bond is guaranteed to the person as a policyholder of a casualty insurer, or as a member of a bona fide motorists' or travelers' organization.
- (3) Executing a bail bond with sufficient solvent sureties, or executing a bond secured by real estate in the country, or depositing cash or the securities allowed by law in lieu thereof in the amount specified in the court's bail schedule.

If a person is not released on his own recognizance, or upon the execution of an unsecured appearance bond, or pursuant to subsection (D) (1), (2), or (3) he shall be given a hearing without unnecessary delay before a judge who shall determine the conditions of his release pursuant to subdivision (C).

Each court shall establish a bail schedule covering all misdemeanors including traffic offenses, either specifically or by type, or by potential penalty or by some other reasonable method of classification. Each court shall, by rule, establish a method whereby a person may make bail under subsection (D) (1) or (3) by the use of a credit card. Such rule shall permit only credit cards of recognized and established issuers. No credit card transaction shall be permitted when a service charge is made against the court or clerk.

(E) Release after conviction. Reads in part as follows: A person who has been convicted of a misdemeanor and is either awaiting sentence or has filed a notice of appeal shall be treated in accordance with the provisions of subdivision (C).

(F) Conditions of release; basis. In determining which conditions of release will reasonably assure appearance, the judge shall, on the basis of available information, take into account the nature and circumstance of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and his record of appearance at court proceedings or of flight to avoid prosecution or of failure to appear at court proceedings.

(G) Order. The judge, clerk, or officer who releases a person under this rule shall make an appropriate written order stating the conditions of release.

(H) Amendments. Subject to subdivisions (C) and (G), a judge ordering the release of a person on any condition specified in this rule may at any time amend his order to impose additional or different conditions of release.

(I) Information need not be admissible. Information stated in, or offered in connection with, any order entered pursuant to this rule need not conform to the rules pertaining to the admissibility of evidence in a court of law.

(J) Continuation of bond. Unless application is made by the surety for discharge the same bond shall continue as a matter of right until the return of a verdict or judgment by a jury or by a court on the issue of guilt or innocence. In the discretion of the trial court, and again upon notice to the surety, the same bond may also continue after final disposition in the trial court and pending sentence or pending disposition of the case on review. Any provision of a bond or similar instrument which is contrary to this rule is void.

(K) Sanctions. Any person released pursuant to any provision of this rule who fails to appear before any court as required, is subject to the punishment provided by law, and any bail given for his release shall be forfeit.

Any person released on his personal recognizance shall, in addition, be deemed to have been released pursuant to R.C. 2937.29.

(L) Justification of sureties. Every surety, except a corporate surety licensed as provided by law, shall justify by affidavit, and may be required to describe in the affidavit, the property which he proposes as security and the encumbrances on it, the number and amount of other bonds and undertaking for bail entered into by him and remaining undischarged and all his other liabilities. He shall provide such other evidence of financial responsibility as the court or clerk may require. No bail bond shall be approved unless the surety or sureties appear, in the opinion of the court or clerk to be financially responsible in at least the amount of the bond. No licensed attorney at law shall be a surety.

(M) Forfeiture of bonds. If there is a breach of condition of a bond, the court shall declare a forfeiture of the bail. Forfeiture proceedings shall be promptly enforced as provided by law.

(N) Exoneration. The obligor shall be exonerated as provided by law.

[§2937.22.1] 2937.221 (License as bond; notice of penalties.)

(A) A person arrested without warrant for any violation listed in division

(B) Of this section, and having a current valid Ohio operator's or chauffeur's license, may, if the person has been notified of the possible consequences of his actions as required by division (C) of this section, post bond by depositing such license with the arresting officer if the officer and person so choose, or with the local court having jurisdiction if the court and person so choose. The license may be used as bond only during the period for which it is valid.

When an arresting officer accepts the operator's or chauffeur's license as bond, he shall note the date, time, and place of the court appearance on the violator's notice to appear: and the notice shall serve as a valid thereon. The arresting officer shall immediately forward the license to the appropriate court.

When a local court accepts the license as bond or continues the case to another date and time, it shall provide the person with a card in the form approved by the registrar of motor vehicles setting forth the license number, name, address, the date and time of court appearance, and a statement that the license is being held as bond. The card shall serve as a valid license until the date and time contained therein. (Form-1 at the end of this section)

The court may accept other bond at any time and return the license to the person. The court shall return the license to the person when judgment is rendered unless a suspension or revocation is part of the penalty imposed. Neither "the violator's notice to appear" nor a court granted card shall continue driving privileges beyond the expiration date of the license.

If the person arrested fails to appear in court at the time set by the court, it shall forward after thirty days such person's license to the registrar of motor vehicles. (Form-2 at the end of this section) registrar shall cancel the license and notify the person of the cancellation by certified mail at his last known address. No valid operator's license or chauffeur's license shall be granted to the person for a period of one year after cancellation, unless the court having jurisdiction requests the registrar of motor vehicles to reissue the license to its original date of expiration without additional fee or to permit the person to apply for a new license, (Form-3 at the end of this section.)

(B) Division (A) of this section shall apply to persons arrested for violation of:

- (1) Any of the provisions of Chapter 4511, or Chapter 4513, of the Revised Code, except sections 4511.02, 4511.19, 4511.20, 4511.251, [4511.25.1], and 4513.36 of the Revised Code;
- (2) Any municipal ordinance substantially similar to a section included in division (B) (1) of this section;
- (3) Any by law, rule, or regulation of the Ohio Turnpike Commission substantially similar to a section included in division (B) (1) of this section.

Division (A) of this section does not apply to those persons issued a citation for the commission of a minor misdemeanor under section 2935.26 of the Revised Code.

(C) No license shall be accepted as bond by an arresting officer or by a court under this section until the officer or court has notified the person that, if the person deposits the license with the officer or court and does not appear on the date and at the time set by the officer or the court if the court sets a time, the license will be canceled, the person will not be eligible for reissuance of the license or issuance of a new license for one year after cancellation, and the person is subject to any criminal penalties that may apply to the person.

2935.26 When citation must be used rather than arrest; exceptions; procedures;

(A) Notwithstanding any other provision of the Revised Code, when a law enforcement officer is otherwise authorized to arrest a person for the commission of a minor misdemeanor, the officer shall not arrest the person, but shall issue a citation, unless one of the following applies:

1. The offender requires medical care or is unable to provide for his safety.
2. The offender cannot or will not offer satisfactory evidence of his identity.

3. The offender refuses to sign the citation.
4. The offender has previously been issued a citation for the commission of that misdemeanor and has failed to do one of the following:
 - (a) Appear at the time and place stated in the citation;
 - (b) Comply with division (C) of this section.

(B) The citation shall contain all of the following:

1. The name and address of the offender;
2. A description of the offense and the numerical designation of the applicable statute or ordinance;
3. The name of the person issuing the citation;
4. An order for the offender to appear at a stated time and place;
5. A notice that the offender may comply with division (C) of this section in lieu of appearing at the stated the stated time and place;
6. A notice that the offender is required to do one of the following and that he may be arrested if he fails to do one of them;
 - (a) Appear at the time and place stated in the citation;
 - (b) Comply with division (C) of this section.

(C) In lieu of appearing at the time and place stated in the citation, do either of the following:

1. Appear in person at the office of the clerk of the stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs;
2. Sign the guilty plea and waiver of the trial provision of the citation, and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court state in the provision.

Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and wavier of trial whether or not the guilty plea and wavier of trial provision of the citation are signed by the defender.

- (D) A law enforcement officer who issues a citation shall complete and sign the citation form, serve a copy of the completed form upon the offender and without unnecessary delay, file the original citation with the court having jurisdiction over the offense.
- (E) Each court shall establish a fine schedule that shall list the fine for each minor misdemeanor, and state the court costs. The fine schedule shall be prominently posted in the place where minor misdemeanor fines are paid.
- (F) If an offender fails to appear and does not comply with division (C) of this section, the court may issue a supplemental citation, or a summons or a warrant for the arrest of the offender pursuant to the Criminal Rules. Supplemental citations shall be in the firm prescribed by Division (B) of this section, but shall be issued and

signed by the clerk of the court at which the citation directed the offender to appear and shall be served in the same manner as a summons.

§2935.27 (Deposit of license who issue or other security by nonresident for certain traffic offense; notice of penalties.)

(A) A law enforcement officer who issues a citation to a person pursuant to §2935.26 of the Revised Code may in addition to issuing the citation, if by Chapter 4511., 4513. or 4549. of the Revised Code and if the person to whom the citation is issued does not reside within the jurisdiction of the court with which the officer is required to file the citation under division (D) of §2935.26 of the Revised Code, do one of the following:

(1) Require the person, if he has a current valid Ohio operator's or chauffeur's license and has been notified of the alternative under division (A) (2) of this section and of the possible consequences of his actions as required under division (F) of this section, to deposit the license with the officer to serve as security to ensure the person's appearance at the time and place stated in the citation or his compliance with division (C) of section §2935.26 of the Revised Code, if the person chooses to do so;

(2) If the person does not have a valid Ohio operator's or chauffeur's license or if the person does not agree to the deposit of his license after being notified of the possible consequences of his actions as required under division (F) of this section, bring the person before the court with which the citation is required to be filed for the setting of a reasonable security by the court pursuant to division (G) of this section.

(B) (1) A person who deposits his license as security under division

(A) (1) of this section shall be given a receipt for the license as security under division receipt shall note the date and time of the issuance of the citation, specifically identify the citation for which the deposit was required, state and time set for the appearance of the person as contained on the citation, the license number, and a statement that the license is being held as security, and be signed by the officer issuing until the time of appearance stated on the receipt. (Form-1 at the end of this section)

(2) A person who appears before a court to have security set under division (A) (2) of this section shall be given a receipt or other evidence of the deposit of the security by the court.

(C) An officer who issues a citation shall immediately file any license received as received as security under this section with the same court with which he is required to file the citation.

(D) Upon the appearance of a person who was issued a citation at the time and place specified in the citation, the court shall immediately return any sum of money, license, or other security deposited in relation to the citation to the person, or to any other person who deposited the security.

Upon compliance with division (C) of §2935.26 by a person who was issued a citation, the clerk of the court shall notify the court, the court shall immediately return any sum of money, license, or other security deposited in relation to the citation to the person, or to any other person who deposited the security.

(E) If a person who was issued a citation fails to appear at the time and place specified on the citation and fails to comply with division (C) of §2935.26, the court shall forward after thirty days the

person's license, if he deposited it as security, to the registrar of motor vehicles. The registrar shall cancel the license and notify the person of the cancellation by certified mail at his last known address. No valid operator's or chauffeur's license shall be granted to the person for a period of the offenses that led to the cancellation requests the registrar of motor vehicles to reissue the license to its original date of expiration without additional fee or to permit the person to apply for a new license. (Form-2 at the end of this section)

If the person who was issued the citation fails to appear at the time and place specified on the citation and fails to comply with division (C) of 2935.26 of The Revised Code and the person has deposited a sum of money or other security in relation to the citation under division (A) (2) of this section, the deposit shall be immediately forfeited to the court.

This section does not preclude further action as authorized by division (F) of 2935.26.

(F) No license shall be taken as security by an officer issuing a citation until the officer has notified the person of the following: if the person deposits the license with the officer and does not appear at the time and place stated on the citation or comply with division (C) of §2935.26, the license of the issuance of a new license for one year after cancellation, and the person is subject to any applicable criminal penalties.

(G) A court setting security under division (A) (2) of this section shall do so in conformity with §2937.22 and §2937.23 of the Revised Code and the Criminal Rules.

**JOINDER OF OFFENSE AND DEFENSE; Tr. R. 5
CONSOLIDATION FOR TRIAL; RELIEF
PREJUDICIAL JOINDER**

Criminal Rules 8, 13, and 14 govern joinder of offenses and defendants, consolidation of cases for trial and relief from prejudicial joinder in traffic cases.

JOINDER OF OFFENSES AND DEFENDANTS Cr. R. 8

(A) JOINDER OF OFFENSES AND DEFENDANTS. Two or more offenses may be charged in the same indictment, information or complaint in a separate count for each offense if the offenses charged, whether felonies or misdemeanors or both, are of the same or similar character, or are based on the same act or transaction, or are based on two or more acts or transactions connected together or constituting parts of a common scheme or plan, or are part of a course of criminal conduct.

(B) JOINDER OF DEFENDANTS. Two or more defendants may be charged in the same indictment, information or complaint if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses, or in the same course of criminal conduct. Such defendants may be charged in one or more counts together or separately, and all of the defendants need not be charged in each count.

TRIAL TOGETHER OR Cr. R. 13 INFORMATION OR COMPLAINTS

The court may order two or more indictments or information or both to be tried together, if the offenses or defendants could have been joined in a single indictment or information.

The procedure shall be the same as if the prosecution were under single indictment or information.

The court may order two or more complaints to be tried together, if the offenses or the defendants could have been joined together in a single complaint. The procedure shall be the same as, if the prosecution were under such single complaint.

RELIEF FROM PREJUDICIAL JOINDER Cr. R. 14

If it appears that a defendant or the state is prejudiced by a joinder of offense or of defendants in an indictment, information, or complaint, or by such joinder for trial together of indictments, informations or complaints, the court shall order an election or separate trial of counts, grant a severance of defendants, or provide such other relief as justice requires. In ruling on a motion by a defendant for severance, the court shall order the prosecuting attorney to deliver to the court for inspection pursuant to Rule 16 (B) (1) (a) any statements or confessions made by the defendants which the state intends to introduce in evidence at the trial.

When two or more persons are jointly indicted for capital offense, each of such persons shall be tried separately, unless the court orders the defendants to be tried jointly, upon application by the prosecuting attorney or one or more of the defendants, and for good cause shown.

SUMMONS, WARRANTS: FORM, Tr. R. 6 SERVICE AND EXECUTION

- (a) Form. The form of summons and warrants, other than the ticket shall be as prescribed in Criminal Rule 4.
- (b) Service and Execution. Summons, other than the ticket. Shall be as prescribed by Criminal Rule 4.

WARRANT OR SIMMONS Cr. R. 4

(A) Issuance.

1. Upon complaint. If it appears from the complaint, or from a sworn affidavit filed with the complaints, that there is probable cause to believe that an offense has been committed, and that the defendant has committed it, a warrant for the arrest of the defendant or a summons in lieu of a warrant, shall be issued by a judge, to any law enforcement officer authorized by law to execute or serve it.

The finding of probable cause may be based upon hearsay on whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. Before ruling on a request for a warrant, the issuing authority may require or a motion to suppress, if it was taken down by a court reporter or recording equipment.

The issuing authority shall issue a summons instead of a warrant upon the request of the prosecuting attorney, or when issuance of a summons appears reasonably calculated to assure the defendant's appearance.

2. By law enforcement officer with warrant. In misdemeanor cases where a warrant has been issued to a law enforcement officer, he may, unless the issuing authority includes a prohibition against it in the warrant, issue a summons in lieu execution of the warrant by arrest when issuance of a summons appears reasonably calculated to assure the defendant's appearance. The officer issuing such summons shall note the time and place the defendant must appear. No alias warrant shall be issued unless the defendant fails to appear in response to the summons, or unless the defendant to the issuance of the summons, or unless subject to the issuance of the summons it appears improbable that the defendant will appear in response thereto.

3. By law enforcement officer without a warrant. In misdemeanor cases where a law enforcement officer is empowered to arrest without a warrant, he may issue a summons in lieu of making an arrest, when issuance of a summons appears reasonably calculated to assure the defendant's appearance. The office issuing such summons shall file, or cause to be filed, a complaint describing the offense. No warrant shall be issued unless the defendant fails to appear in defense to the summons, or unless subsequent to the issuance of summons it appears improbable that the defendant will appear in response thereto.

(B) Multiple issuance; Sanction. More than one warrant or summons may issue on the same complaint. If the defendant fails to appear in response to summons, a warrant or alias warrant shall issue.

(C) Warrant and summons: form.

1. Warrant. The warrant shall contain the name of the defendant, or if that is unknown, any name of description by which he can be identified with reasonable certainty. It shall describe the offense charged in the complaint, and shall state the numerical designation of the applicable statute or ordinance. A copy of the complaint shall be attached to the warrant. The warrant shall command that the defendant be arrested and brought before the court issuing it without unnecessary delay. The amount of the bond set by the court shall also appear on the warrant.

2. Summons. The summons shall be in the same form as the warrant, except that it shall not command that the defendant be arrested, but shall order the defendant to appear at a stated time and place and inform him that he may be arrested if he fails to appear at the time and place stated in the summons. A copy of the complaint shall be attached to the summons, except where an officer issues summons in lieu of making an arrest without a warrant. Summons may be served personally. At the residence or by Certified Mail. (Same as Civil Summons.)

(D) Warrant or summons: execution or service; return.

1. By whom. Warrants shall be executed and summons served by any officer authorized by law.

2. Territorial limits. Warrants may be executed or summons may be served at any place within the state.

3. Manner. Warrants, except as provided in subsection (A) (2), shall be executed by the arrest of the defendant. The officer need not have the warrant in his possession at the time of the arrest. In

such cases he shall inform the defendant of the offense and of the fact that the warrant has been issued. A copy of the warrant shall be given to the defendant as soon as possible.

Summons may be served upon a defendant by delivering a copy to him personally, or by leaving it at his usual place of residence with some person of suitable age and discretion then residing therein, or, except when the summons is issued in lieu of executing a warrant by arrest, by mailing it to the defendant's last known address by certified mail with a return receipt requested. When service of summons is made by certified mail it shall be served by the clerk in the manner prescribed by Civil Rule 4.1 (1). A summons to a corporation shall be served in the manner provided for service upon corporations in Civil Rules through 4.2 and 4.6 (A) and (B), except that the waiver provisions of Civil Rule 4 (D) shall not apply. Summons issued under subsection (A) (2) in lieu of executing a warrant by arrest shall be served by personal or residence service. Summons issued under subsection (A) (3) in lieu of arrest and summons issued after arrest under subdivision (F) shall be served by personal service only.

4. Return. The officer executing a warrant shall make return thereof to the issuing court before whom the defendant is brought pursuant to Rule 5. At the request of the prosecuting attorney, any unexecuted warrant shall be returned to the issuing court and canceled by a judge of that court.

When the copy of the summons has been served, the person serving summons shall endorse that fact on the summons and return it to the clerk, who shall make the appropriate entry on the appearance docket.

When the person serving summons is unable to serve a copy of the summons within twenty-eight days of the date of issuance, he shall endorse that fact and the reasons therefore on the summons and return the summons and copies to the clerk, who shall make the appropriate entry on the appearance docket.

At the request of the prosecuting attorney, made while the complaint is pending, a warrant returned unexecuted and not canceled, or a summons returned unserved, or a copy of either may be delivered by the court to an authorized officer for execution of service.

(E) Arrest.

1. Arrest upon warrant. Where under a warrant a person is arrested either in the county from which the warrant issued or in an adjoining county, the arresting officer shall, except as provided in subdivision (F), bring the arrested person without unnecessary delay before the court which issued the warrant. Where the arrest occurs in any other county, the arrested person shall, except as provided in subdivision (F) be brought without unnecessary delay before a court of record therein, having jurisdiction over such an offense, and he shall not be moved from that county until he has been given an opportunity to consult with an attorney, or another person of his choice, and to post bail to be determined by the judge of that court. If he is not released, he shall then be moved from the county and brought before the court issuing the warrant, without unnecessary delay. If he is released, the release shall be on condition that he appear in the issuing court at a time and date certain for an initial appearance under Rule 5.

2. Arrest without warrant. Where a person is arrested without a warrant the arresting officer shall, except provided in subdivision (F), bring the arrested person without unnecessary delay before a court, having jurisdiction of the offense, and shall file or cause to be filled a complaint describing the offense for which the person was arrested. Thereafter the court shall proceed in accordance with Rule 5.

(F) Release after arrest. In misdemeanor cases where a person has been arrested with or without a warrant, the arresting officer, the officer in charge of the detention facility to which the person is brought or the superior of either officer, without unnecessary delay, may release the arrested person by issuing a summons when the issuance of a summons appears reasonably calculated to assure the person's appearance. The officer issuing such summons shall note on the summons the time and place the person must appear and, if the person was arrested without a warrant, shall file or cause to be filed a complaint describing the offense. No warrant or alias warrant shall be issued unless the person fails to appear in response to the summons.

PROCEDURE UPON FAILURE TO APPEAR Tr. R. 7

(A) Issuance of summons, warrant. When a defendant fails to appear Pursuant to a ticket issued to him the court shall issue a supplemental summons or warrant.

If a supplemental summons is not served or a warrant is not executed within twenty-eight days of receipt by the serving officer, the court may place the case in a file of cases disposed of subject to being reopened. Where bond is forfeited such disposition shall be reported to the Register of Motor Vehicles. For all other purposes, including disposition reports, the cases shall be reported as disposed of, subject to being reopened if thereafter the defendant appears or is apprehend.

(B) Issuance of notice to nonresident. When a nonresident of this state fails to appear pursuant to a supplemental summons or a warrant issued under subdivision (A) the court may send by ordinary mail to the defendant's address as it appears on the ticket, or the summons or warrant return, a notice ordering the defendant to appear at a specified time or place.

If the defendant fails to appear or answer within twenty-eight days after the date of mailing of the notice, the court shall place the case in the file of cases disposed of subject to being reopened.

The mailing of notice in parking cases discretionary with the court.

(C) Effect of waiting periods, bail an security forfeiture. The waiting period of subdivision (A) does not affect forfeiture of bail or security.

If there is a breach of a condition of bail, the court shall declare a forfeiture of bail. Forfeiture proceedings shall be promptly enforced as provided by bail.

Where a current valid Ohio operator's license has been deposited with the court as security and the defendant fails to appear at the time and place specified on the citation or fails to comply with §2935.26(C), the court, after thirty days, shall forward the license to the registrar of motor vehicles for cancellation in accordance with §2937.27(E). If the defendant deposits a sum of money or other security with the court in lieu of his license, the deposit shall be immediately forfeited to the court if he falls to appear of comply with §2935.26 (C).

ARRAIGNMENT Tr. R. 8

(A) Arraignment time. Where practicable, every defendant shall be arraigned before contested matters are taken up. Trial may be conducted immediately following arraignment.

(B) Arraignment procedure. Arraignment shall be conducted in open court and shall consist of reading the complaint to the defendant, or stating to him the substance of the charge, and calling on him to plead thereto. The defendant shall be given a copy of the complaint, or shall acknowledge receipt thereof, before being called upon to plead and may in open court waive the reading of the complaint.

(C) Presence of defendant. The defendant must be present at the arraignment, but the court may allow the defendant to enter a not guilty plea at the clerk's office in person, by his attorney in person, or by his attorney by mail, within four days after receipt of the ticket by the defendant.

(D) Explanation of rights. Before calling upon a defendant to plea at arraignment the judge shall cause him to be informed and shall determine that defendant knows and understands.

1. That he has a right to counsel and the right to a reasonable continuance in the proceedings to secure counsel assigned without cost to himself if he is unable to employ counsel;
2. That he has a right to bail as provided in Rule 4;
3. That he need no statement at any point in the processing; but any statement may be used against him;
4. That he has, where such right exists, a right to jury trial and that he must, in petty offense cases, make a demand for a jury pursuant Criminal Rule 23;
5. That if he is convicted a record of the conviction will be sent to the Bureau of Motor Vehicles and become a part of his driving record.

(E) Joint arraignment. If there are multiple defendants to be arraigned, the judge may advise, or cause them to be advised, of their rights by general announcements.

JURY DEMAND Tr. R. 9

(A) Jury demand. Jury demands shall be made pursuant to Rule 23.

(B) Jury demands in mayor's court. When, in a mayor's court, a defendant is entitled to a jury trial and a jury demand is made pursuant to Criminal Rule 23, the mayor shall transfer the case to subdivision (C).

If a jury demand is not made pursuant to criminal Rule 23, and the defendant waives his right to jury trial in writing, (Form-4 at the end of this section) a mayor may try the case if (1) his compensation as a judge is not directly dependant upon criminal case convictions, or (2) he is not the chief executive and administrative officer of the municipality and as such responsible for the financial condition of the municipality. Guilty and no contest pleas may be taken by any mayor, including mayors whose compensation as a judge is directly dependent upon criminal case convictions and mayors who as chief executive and administration officer of the municipality are responsible or the financial condition of the municipality.

(C) Transfer. Where transfer is required, the mayor's court shall make a written order directing the defendant to appear at the transferee court, continuing the same bail, if any, and making appearance before the transferee court a condition of bail, if any. Upon transfer, the mayor's court shall transmit to the clerk of the transferee court the ticket and all other papers in the case, and any bail taken in the case. (Form-5 at the end of this section)

Upon receipt of such papers the clerk of the transferee court shall set the case for trial and shall notify the defendant by ordinary mail of his trial date.

PLEAS Tr. R. 10

(A) Pleas. A defendant may plead not guilty, guilty, or, with the consent of the court, no contest. All pleas may be made orally. If a defendant refuses to plead, the court shall enter a plea of not guilty on behalf of the defendant.

(B) Effect of guilty or no contest pleas. With reference to the offense or offenses to which the plea is entered:

1. The plea of guilty is a complete admission of defendant's guilt.
2. The plea of no contest is not an admission of defendant's guilt, but is an admission of the truth of the facts alleged in the complaint and such plea or admission shall not be used against the defendant in any subsequent civil or criminal proceeding.
3. When a plea of guilty or no contest is accepted pursuant to this rule, the court shall proceed with sentencing under Criminal Rule 32.

NOTE: Where applicable, an Abstract of Court Record shall be sent to the Bureau of Motor Vehicles, Attention: Convictions Department, MVODCC, P.O. Box 16520, Columbus, Ohio 43216. A suggested schedule of point assessment has been provided by the Bureau of Motor Vehicles. (See proper Point Assessment at the end of this section.)

(C) Misdemeanor cases involving serious offenses. In misdemeanor cases involving serious offenses, the court may refuse to accept a plea of guilty or no contest and shall not accept such plea without first addressing the defendant personally and informing him of the effect of the plea of guilty, no contest, and not guilty and determining that he is making the plea voluntarily. Where the defendant is unrepresented by counsel, the court shall not accept a plea of guilty or no contest unless the defendant, after being readvised that he has the right to be represented by retained counsel, or pursuant to Criminal Rule 44 (Assignment of Counsel) by appointed counsel, waives this right.

(D) Misdemeanor cases involving petty offenses. In misdemeanor cases involving petty offenses, except those processed in a traffic violations bureau the court may refuse to accept a plea of guilty or no contest and shall not accept such pleas without first informing the defendant of the effect of the plea of guilty, no contest, and not guilty.

The counsel provisions of Criminal Rule 44 (B), (C) and (D) apply to this subdivision.

(E) Refusal of court to accept plea. If the court refuses to accept a plea of guilty or no contest, the court shall enter a plea of not guilty on behalf of the defendant. In such cases neither plea shall be admissible in evidence nor be the subject of comment by the prosecuting attorney in court.

(F) Immediate trial. Upon written consent of defendant and prosecuting attorney, trial may be conducted immediately after the acceptance of a plea at arraignment. If the defendant needs a continuance or demands a jury trial where such right exists, the court shall cause the case to be set for trial.

PLEADINGS AND MOTIONS BEFORE TRIAL Tr. R. 11

(A) Pleadings and motions. Pleadings in traffic cases shall be the complaint, and the pleas of not guilty, guilty and no contest. Defenses and objections shall be raised before plea and trial by motion to dismiss or to grant appropriate relief.

(B) Motions before plea and trial. Any defense, objection, or request which is capable of determination without the trial of the general issue may be raised before plea or trial by motion.

1. The following defenses and objections must be raised before plea:

(a) Defenses and objections based on defects in the complaint other than failure to show jurisdiction in the court at any time during the pendency of the proceeding.

2. The following motions and request must be made trial;

(a) Motions to suppress evidence, including but not limited to the identification testimony, on the ground that it was illegally obtained;

(b) Request and motions for discovery under Criminal Rule 16 (Discovery and Inspection);

(c) Motions for severance of charges or of defendants under Criminal Rule 14 (Relief from Prejudicial Joinder).

(C) Motion date. Pre-Plea motions except as provided in Rule 16 (F) (Time of Motions) shall be made within thirty-five days after arraignment or seven days before trial, whichever is earlier. The court, in the interest of justice, may extend the time for making pre-plea or pretrial motions.

(D) Disclosure of evidence by prosecuting attorney. At the arraignment, or as soon thereafter as is practicable, the defendant may, in order to raise objections prior to trial under subsection (B) (2), request notice of the prosecuting attorney's intention to use evidence in chief at trial, which evidence the defender is entitled to discover under Criminal Rule 16 (Discovery and Inspection).

(E) Ruling on Motion. A motion made before trial, other than a motion for change of venue, shall be timely determined before trial. Where factual issues are involved in determining a motion, the court shall state its essential findings on the record.

(F) Effect of failure to raise defenses or objections. Failure by the defendant to raise defenses or objections or to make motions and requests which must be made prior to plea, trial, or at the time set by the court pursuant to subdivision (C) or prior to any extension thereof made by the court, shall constitute waiver thereof, but the court for good cause shown may grant relief from the waiver.

(G) Effect of plea of no contest. The plea of no contest does not preclude a defendant from asserting upon trial that the trial court prejudicially erred in ruling on a pretrial motion, including a pretrial motion to suppress evidence.

(H) Effect of determination. If the court grants a motion to dismiss based on a defect in the institution of the prosecution or in the complaint, the court shall dismiss the case unless the prosecuting attorney can, pursuant to Criminal Rule 7 (D) (Amendment of indictment, information, or complaint), amend the complaint.

(I) States right of appeal. The state, pursuant to Criminal Rule 12 (J) (State's right of appeal upon granting of motion to return property or motion to suppress evidence), may take an appeal as of right in cases where the defendant is charged with an offense listed in Rule 13 (B) (1) and (3) (Traffic Violations Bureau).

RECEIPT OF GUILTY PLEA Tr. R. 12

The Pleas of guilty and no contest shall be received only by personal appearance of the defendant in open court, except that, the plea of guilty may be received in accordance with Rule 13 at a regularly established traffic bureau. Upon the showing of exceptional circumstances by written motion, a court may receive a guilty or no contest plea in such manner as it deems just. The receipt of a plea contrary to the provisions of these rules is forbidden.

TRAFFIC VIOLATIONS BUREAU Tr. R. 13

(A) Establishment and operation of traffic violations bureau. A traffic violations bureau must be established by all courts other than juvenile courts. The court shall appoint its clerk as violations clerk. If there is no clerk, the court shall appoint an appropriate person of the municipality or county in which the court sits.

The violation bureau and violations clerk shall be under the direction and control of the court. Fines and costs shall be paid to, receipted by and accounted for by the violations clerk.

The violations bureau shall accept appearance, waiver of trial, plea of guilty and payment of fine and costs for offenses within its authority.

(B) Authority of violations bureau. All traffic offenses except those listed in subsections (1) through (9) of this subdivision may be disposed of by a traffic violations bureau. The following traffic offenses shall not be processed by a traffic violations bureau:

1. Indictable offense;
2. Operating a motor vehicle under the influence of alcohol or any drug of abuse;
3. Leaving the scene of an accident;
4. Driving while under suspension or revocation of driver's license;
5. Driving without being licensed to drive;
6. A second moving traffic offense within a twelve-month period;
7. Failure to stop and remain standing upon meeting or overtaking a school bus stopped on a highway for the purpose of receiving or discharging a school child;
8. Willfully eluding or fleeing a police officer;
9. Drag racing.

(C) Schedule of fines the court shall establish and publish a schedule of fines and costs for all offenses. The schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the court shall be prominently displayed at the place in the violations bureau when fines are paid.

(D) Defendant's appearance, plea and waiver of trial A defendant charged with an offense which can be processed by a traffic violations bureau may, within seven days after the date of issuance of the ticket:

1. Appear in person at the traffic violations bureau, sign a plea of guilty and waiver of trial provisions of the ticket and pay the total amount of the fine and cost, or
2. Sign the guilty plea and waiver of trial provision of the ticket and a check or money order for the total amount of the fine and cost to the traffic violations bureau.

Remittance by mail of the fine and costs to the traffic violations bureau constitutes a guilty plea constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are signed by the defendant.

Note: Rule 410, Ohio Rules of Evidence, reads in part as follows: inadmissibility of Pleas... or a plea of guilty in a violations bureau... is not admissible in any civil or criminal proceeding against the person who made the plea...

(E) Records. All cases proceeding in violation bureau shall be numbered and recorded for identification and statistical purposes. In any statistical reports required by law, the number of cases disposed of by violations bureau shall be listed separately from those disposed of in open court.

(F) Hours of operation; personnel. The court shall appoint a law enforcement officer as a deputy violations bureau clerk to act as violations clerk when the violations clerk is not on duty.

MAGISTRATES (FORMERLY KNOWN AS REFEREES) Tr. R. 14

A court may appoint one or more referees for the purpose of receiving pleas, statements in explanation and in mitigation of sentence and of recommending penalty to be imposed, subject to exception taken by defendant and subject to confirmation by the court. A defendant shall not be required to appear before a referee in lieu of appearance before a referee in lieu of appearance before a judge in open court, but may elect to appear before a referee.

Referees shall be attorneys at law admitted to practice in this state. Referees shall be provided with court room accommodations resembling as nearly as possible traffic court rooms, and shall be appointed for a reasonable long term. In addition, a court may provide for the reference of contested cases to a referee for the taking of evidence and written report of findings and recommendations to the court for confirmation. Contested cases shall not be referred without written consent of the defendant.

VIOLATIONS OF RULES Tr. R. 15

(A) Failure to apply rules. Any willful failure to apply these rules, including the failure to amend or rescind inconsistent local rules or the continued participation in practices expressly forbidden in these rules by judge, clerk, or other personnel may be considered contempt of the Supreme Court and may be punished as such. Proceeding in contempt under this rule can be instituted only with leave of the Supreme Court.

(B) Improper disposition of ticket. Any person who disposes of a ticket, or who solicits or knowingly aids in the disposition of a ticket, in any manner other than that authorized by these rules may be proceeded against for criminal contempt in the manner provided by law.

JUDICIAL COURT Tr. R. 16

The Code of Judicial conduct as adopted by Supreme Court applies to all judges except mayors.

Canons 1, 2, 3A, 3B, 3C, 3D and 4 of the Code of Judicial Conduct apply to mayors. It shall be the obligation of each mayor to conduct his court and his professional and personal relationships in accordance with the same standards as are required of judges of courts of record.

TRAFFIC CASE SCHEDULING Tr. R. 17

- (A) Separate trial. Traffic cases shall be tried separately from other cases except upon good cause shown.
- (B) Arraignment and trial by traffic division. When a court sits in divisions and one division is designated as traffic court, all traffic defendants shall, where practicable, be arraigned and tried in such division.
- (C) Arraignment and trial by traffic session. When a court not sitting in separate divisions designates a particular session as a traffic session, traffic defendants shall, where practicable, be arraigned and tried at such as session.
- (D) Single-judge courts. In single-judge courts, traffic cases shall, when practicable, be called before nontraffic cases. Uncontested cases shall be disposed of first and contested cases schedule for later hearings.

CONTINUANCES Tr. R. 18

Continuances shall be granted only upon a written motion which states the grounds for the requested continuance.

When a court grants a continuance, it shall set a definite date for the hearing or trial.

RULE OF COURT Tr. R. 19

The expression "rule of court" as used in these rules means a rule promulgated by the Supreme Court or a rule concerning local practice adopted by another court and filed with the Supreme Court. Local rules shall be supplementary to and consistent with these rules. Each court shall be publish its local rules, distributed them within its jurisdiction and keep copies for inspection.

PROCEDURE NOT OTHERWISE SPECIFIED Tr. R. 20

If no procedure is specifically prescribed by these rules, the Rules of Criminal Procedure and the applicable law apply.

FORMS Tr. R. 21

The forms contained in the appendix of forms are mandatory except that additional copies of any portions of the tickets may be made. The reverse of the enforcement agency record shall be in the form prescribed by issuing authority.

REVIEW COMMISSION Tr. R. 22

- (A) Duties of review commission. All comments and suggestions concerning the application, administration and amendment of these rules, including the Appendix of Forms, shall be

submitted to the Review Commission shall be considered all comments and suggestions and submit its recommendations to the Supreme Court.

- (B) Appointment, term and membership. The review Commission shall be appointed by the Supreme Court and shall be composed of not more than eleven members who shall serve without compensation. All appointments to the Review Commission shall be three-year terms.

The membership of the Review Commission shall include at least one of each of the following: A court of common pleas judge, a municipal judge, a municipal court judge, a county judge, a municipal court clerk and the Superintendent of the State Highway Patrol. The chairman of the Review Commission shall be designated by the Supreme Court from among the members of the commission and shall serve for a period of three years.

- (C) Meetings. The Review Commission shall meet at least once annually upon the call of the chairman after the consultation with the Administrative Director of the Supreme Court. Meetings may be held anywhere in Ohio.

TITLE Tr. R. 23

These rules shall be known as the Ohio Traffic Rules and may be cited as "Traffic Rules" or "Traf. R. ____"

EFFECTIVE DATE Tr. R. 24

- (A) Effective date of rules. These rules take effect on January 1, 1975. They govern all proceedings in actions brought after they take effect, and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending with the rules take effect would not be feasible or would work injustice in which event the former procedure applies.

- (B) Use of tickets conforming to prior rules. Traffic tickets conforming to the requirements of the "Ohio Rules of Practice and Procedure in traffic Cases For All Courts Inferior to Common Pleas" may be used after the effective date of these rules.

After the effective date of these rules, issuing authorities shall order only tickets conforming to these rules.

EFFECTIVE DATE OF AMENDMENTS Tr. R. 25

The amendments to these rules and the traffic ticket adopted by the Supreme Court of Ohio on June 17, 1980, shall take effect on August 4, 1980.

PARKING VIOLATIONS (Definitions §4521.01 511.01)

"Parking infraction" means a violation of any ordinance, resolution or regulation enacted by a local authority that regulates the standing or parking of vehicles and that is authorized pursuant to §505.17 or §4511.01, or a violation of any ordinance, resolution or regulation enacted by a local authority as authorized by §4521, if the local authority in either of these cases also has enacted an ordinance, resolution or regulation of the type described in division (A) of §4521.02 in relation to the particular regulatory ordinance, resolution, or regulation.

“Vehicle” means every device, including a motorized bicycle, upon, or by which any person or property may be transported or drawn upon a highway, except devices moved by power collected from overhead electric trolley wires, or used exclusively upon stationary rails or tracts, and except devices other than bicycles moved by human power.

“Court” means a municipal court, a county court, juvenile court, or mayor’s court, unless specifically identified as one of these courts, in which case it means the specifically identified court.

“Local authority” means every county, municipality, township, or other local board or body having authority to adopt police regulations pursuant to the constitution and laws of this state.

LOCAL, CRIMINAL PARKING VIOLATIONS §4511.07, 4511.071, 4511.99, and 4521.02

“Local traffic regulations” Local authorities may regulate the stopping, standing, or parking of vehicles, trackless trolley and streetcars pursuant to §4511.07(A).

Every ordinance, resolution, regulation enacted under §4511.07(A) shall be enforced in compliance with §4511.071, unless the local authority that enacted it also enacted an ordinance, resolution, regulation pursuant to §4521.02(A), that specifies that violation of it shall not be considered a criminal offense in which case the ordinance, resolution or regulation shall be enforced in compliance with chapter §4521.

If such a specification is made, the local authority also by an ordinance, resolution, or regulation or prescribe an additional penalty or penalties for failure to answer any charges of the violation in a timely manner.

In no case shall any fine adopted or additional penalty exceed the fine established by the municipal or county court having territorial jurisdiction over the entire or a majority of the political subdivision of the local authority, in its schedule of fines established pursuant to Traffic Rule 13©, for a substantively comparable violation. In no case shall any fine adopted or additional penalty exceed one hundred dollars, plus costs and other administrative charges, per violation.

ESTABLISHMENT OF PARKING VIOLATIONS BUREAU §4521.05

The legislative authority of a municipality or township, by ordinance or resolution, may request the municipal court or county court having territorial jurisdiction over the municipal corporation or township to establish a parking violations bureau to handle all parking infractions occurring within the territory of the municipality or the unincorporated area if the township, including parking infractions that are violations of ordinances, resolutions, or regulations of other authorities and that occur within the territory of the municipality or unincorporated area of the township.

The legislative authority of two or more municipalities, two or more townships, or one or more municipalities and one or more townships that are within the territorial jurisdiction of the same municipal court or county court may join together and, by ordinance or resolution request the municipal court or county court to authorize the municipalities or townships to jointly establish a joint parking violations bureau to handle all parking infractions occurring within the territories of the municipalities or the unincorporated area of the townships that have joined together in making the request including parking infractions that are violations of ordinances, resolutions, or regulations of other local authorities and that occur within the territories of the municipalities or the unincorporated area of the township.

The request made pursuant to §4521.05 (A) shall be filed with the clerk of the municipal court or county court. Upon the filing of such a request, the court shall authorize the municipality or township that made the request, or the municipalities or townships that joined together in making the request, by journal entry, to establish a parking violations bureau.

PROPER POINT ASSESSMENT ORC §4510.036 (EFFECTIVE 1-1-04)

In an effort to help you and/or your clerk's office in assessing points to traffic conviction tickets (moving violations only), please see the following listing, which you may find beneficial.

Please bear in mind that the number of points assessed to a conviction are not discretionary by the courts and must be in accordance with that statute.

POINT CHART, BMV OFFENSE CODES (FOR ELECTRONIC FILING) AND CLASS OF SUSPENSION AS OCTOBER 2004, FOLLOWS.

OFFENSE CODES

CURRENT
10/5/04

CODE	VIOLATION	POINTS	OHIO REVISED CODE SECTION	CLASS OF SUSPENSION
01	Perjury/False Info	0	2921.11	COURT
02	OVI/Alcohol/Liquor	6	4511.19A	5
03	DR w/o Owner Consent	6	2913.03	
04	MTR Vehicle Felony	6	2913.02	
05***	Vehicle Homicide <i>Reported 3/23/00</i>	6	2903.07	
06	Hit Skip/Leave Scene	6	4549.02/021	5
07	Driving Under Susp/Rev	6	4510.11 (C) (1)	7
08	Drag Racing/Street	6	4511.251	7
09	Flee/Elude Officer	6	2921.331	2
10	Stop Sign	2	4511.43	
11	Traffic Control Lights	2	4511.13-15	
13	Vio-RR Crossing	2	4511.61-64	
14	Traffic Control Dev/Signs	2	4511.12	
15*	Vio-to Avoid Light <i>Not longer used</i>	2		
16	Hit-Skip Private Prop	2	4549.03	5
18	No Child Restraint	0	4511.81	
19	Vehicle Assault	6	2903.08 (A) (2)	4
20	Speed (# in excess of speed)	4/2/0	4511.21	
21	Slow Speed	2	4511.22	
22	Driving Under FRA Susp	6	4510.16 (A)	7
23	Following Too Close	2	4511.34	
24	Speed (# in excess of speed)	4/2/0	4511.21	
25	Speed Commercial <i>TICKET checked 26,000+</i>	4/2/0	4511.21	
26	OVI.04 Commercial	Vary	4506.15	
28	Disregard of Safety	4	4511.20	
29	Disregard Saf Priv/Prop	2	4511.201	
30	VIO-One Way Traf	2	4511.32	
31	Driving Left of Center	2	4511.29-30	
32	FTY Ped/Blind	2	4511.46-47	
33	Crossing Yellow Line	2	4511.30	
35	Rt Side of Roadway	2	4511.25	
36	Crossing Divided Hwy	2	4511.35	
37	VIO-Traf Lanes/Lines	2	4511.33	
38	FTY Right of Way	2	4511.41-42	
39	Opp Veh Traf VIO	2	4511.26	
40	Improper Passing	2	4511.28	
41	Vio-When Being Passed	2	4511.27	
42	Stopped Sch Bus-VIO	2	4511.75	

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CODE	VIOLATION	POINTS	OHIO REVISED CODE SECTION	CLASS OF SUSPENSION
45	W/O Due Regard Priv Pr	2	4511.201	
46	Unsaf Oper-Priv Pr	2	MUNICIPAL CODE	
47	Reckless Oper/Priv Pr	2	MUNICIPAL CODE	
48	Without Due Regard	4	4511.201	
49	Unsafe Operation	4	MUNICIPAL CODE	
50	Reckless Operation	4	4510.15	
51	Disobey Police Order	2	2921.331A	2
52	Assured Clear Dist	2	4511.21(A)	
53	VIO-Starting/Backing	2	4511.38	
54	Driving on Closed Hwy	2	4511.71	
55	Drping Mtri on Rdwy	2	4511.74	
56	VIO of Restriction	2	4510.11	
58	No Driver License	2	4510.12(A)	7
59	Loss-Phy Cont of Veh	2	MUNICIPAL CODE	
60	Prohibited U turn	2	4511.37	
61	Improper/Prohib Turn	2	4511.36	
62	VIO-Turn Signals	2	4511.39	
63	Failure to Turn	2	4511.36	
64	Fail-Cont-4511.202	2	4511.202	
65	Aggr Vehicular Homicide	6	2903.06(A)(2)	1
66	Operating Unsafe Veh	0	4513.02	
67	VIO-Equip Regulation	0	4513.03-10,12-19,201-262,27,29	
68	VIO-Slow Mvg Veh Signs	0	4513.11	
69	Equipment Misuse	0	4513.02	
70	Disabled Veh Warning	0	4513.28	
71	VIO Out of Service Order	Vary	4506.16	
73	Driving under OVI Susp	6	4510.14	7
75	Aggr Veh Assault w/Alcohol	6	2903.08	3
76	Aggravated Veh Assault	6	2903.08 (A) (1)	3
77	Veh Homicide w/Alcohol	6	2903.06 (A) (1)	1
78	Invol ManSlghtr w/Alcohol	6	2903.04D	1
79	VIO-Dr Lic Req	0	4507.35	
80	Dr Lic Misrep	0	4507.30/163	
81*	Rhy Cent Veh Intox	2		
82	Fail-File Req Rept	0	4509.74-99	
83	VIO Reg-Title	0	4505.18	
84	VIO Seat Belt Law	0	4513.263	
85	VIO Brake Req	0	4513.20	
86	Impaired Alertness (CDL)	2	4511.79(A)	
87	OVUAC	4	4511.19B	
88	Juvenile Misc	Vary		

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CODE	VIOLATION	POINTS	OHIO REVISED CODE SECTION	CLASS OF SUSPENSION
89	Wrongful Entrustment	0	4511.203	7
90	Endanger Child/OP Veh	0	2919.22 (C1)	
91	Failure to Control/Weaving	2	MUNICIPAL CODE	
92*	Street Racing	6	4511.251	
93	4 th OVI-Felony	6	4511.19/99	
94	Consume Alcohol in Motor Veh	0	4301.64	
95*	Illegal Purchase Alcohol	0	4301.632	
96	No Corresponding Code Use ACD <i>N/A</i>			
97	Ohio Turnpike	0		
98	Highway Use Tax	0	5728.02	
99	Miscellaneous	0		
AA	No Temp Permit/No Adult	2	4507.05 F1	
AB	Curfew VIO Temp Permit	2	4507.05 F2	
AC	Curfew VIO Dr Lic	2	4507.07 4B	
AD	All Occupants Secure	0	4507.07 1D	
AE	FTY Funeral	2	4511.451	
AF	FTY Emergency Vehicle	2	4511.452	
AG	Aggr Vehicular Homicide w/ Alcohol	6	2903.06(A)(1)	1
AH	Vehicular Manslaughter	6	2903.06(A)(4)	6
AI	Vehicular Homicide	6	2903.06(A)(3)	4
AJ**	Physical Control	0	4511.194	7
AK**	Failure to Reinstate	6	4510.21(B)	7
AL	Soliciting	0	2907.24	
AM	Soliciting with Positive HIV	0	2907.24 (B)	
AN	Involuntary Manslaughter	6	2903.04	
AO**	Driving Under 12 PT Susp	2	4510.037 (J)	
AP**	Gasoline Theft	0	2913.02 (B) (7)	
AQ**	Weigh Station Violation	2	4511.121	
AR**	Motor Vehicle Used in Manufacturing, Distributing, or Dispensing Control Substance (Commercial Motor Vehicles Only)	6	4506.16 (B) (4)	
AS**	OVI/Refusal	6	4511.19(A)(2)	5

- * Code is no longer used
- ** New Offense
- *** Repealed
- Bold** ORC changes

9/24/04