

**As Reported by the Senate Highways and Transportation
Committee**

**125th General Assembly
Regular Session
2003-2004**

Sub. H. B. No. 30

**Representatives Williams, Kearns, Calvert, Flowers, S. Patton, Perry, Price,
Reinhard, Schlichter, Widowfield, Carano, Distel, Driehaus, C. Evans,
D. Evans, T. Patton, Peterson, Redfern, Setzer, Sferra, Taylor
Senator Mallory**

—

A B I L L

To amend sections 1901.41, 1907.231, 2301.141,	1
4521.01, 4521.02, and 4521.10 of the Revised Code	2
to permit a local authority to consider for	3
purposes of the Local Noncriminal Parking Law a	4
fine of \$250 to \$500 for a violation of an	5
ordinance, resolution, or regulation that	6
regulates the standing or parking of a vehicle in	7
a disability parking space, to provide that if a	8
person fails to pay a fine for such a violation	9
that person may not be permitted to register a	10
motor vehicle in that person's name, and to	11
establish retention and other guidelines for	12
documentation of misdemeanor convictions.	13

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

Section 1. That sections 1901.41, 1907.231, 2301.141,	14
4521.01, 4521.02, and 4521.10 be amended to read as follows:	15

Sec. 1901.41. (A) Notwithstanding section 149.39 of the	16
--	----

Revised Code and subject to division (E) of this section, each 17
municipal court, by rule, may order the destruction or other 18
disposition of the files of cases that have been finally disposed 19
of by the court for at least five years as follows: 20

(1) If a case has been finally disposed of for at least five 21
years, but less than fifteen years prior to the adoption of the 22
rule of court for destruction or other disposition of the files, 23
the court may order the files destroyed or otherwise disposed of 24
only if the court first complies with division (B)(1) of this 25
section; 26

(2) If a case has been finally disposed of for fifteen years 27
or more prior to the adoption of the rule of court for destruction 28
or other disposition of the files, the court may order the files 29
destroyed or otherwise disposed of without having copied or 30
reproduced the files prior to their destruction. 31

(B)(1) Except as otherwise provided in this division, all 32
files destroyed or otherwise disposed of under division (A)(1) of 33
this section shall be copied or reproduced prior to their 34
destruction or disposition in the manner and according to the 35
procedure prescribed in section 9.01 of the Revised Code. The 36
copies or reproductions of the files made pursuant to section 9.01 37
of the Revised Code shall be retained and preserved by the court 38
for a period of ten years after the destruction of the original 39
files in accordance with this section, after which the copies or 40
reproductions themselves may be destroyed or otherwise disposed 41
of. 42

Files destroyed or otherwise disposed of under division 43
(A)(1) of this section that are solely concerned with criminal 44
prosecutions for minor misdemeanor offenses or that are concerned 45
solely with minor misdemeanor traffic prosecutions do not have to 46
be copied or reproduced in any manner or under any procedure prior 47
to their destruction or disposition as provided in this section. 48

(2) Files destroyed or otherwise disposed of under division 49
(A)(2) of this section do not have to be copied or reproduced in 50
any manner or under any procedure prior to their destruction or 51
disposition. 52

(C) Nothing in this section permits or shall be construed as 53
permitting the destruction or other disposition of the files in 54
the Cleveland municipal court of cases involving the following 55
actions and proceedings: 56

(1) The sale of real property in an action to foreclose and 57
marshal all liens on the real property; 58

(2) The sale of real property in an action to foreclose a 59
mortgage on the real property; 60

(3) The determination of rights in the title to real property 61
either in the form of a creditor's bill or in any other action 62
intended to determine or adjudicate the right, title, and interest 63
of a person or persons in the ownership of a parcel or parcels of 64
real property or any interest therein. 65

(D) All dockets, indexes, journals, and cash books of the 66
court shall be retained and preserved by the court for at least 67
twenty-five years unless they are reproduced in the manner and 68
according to the procedure prescribed in section 9.01 of the 69
Revised Code, in which case the reproductions shall be retained 70
and preserved by the court at least until the expiration of the 71
twenty-five year period for which the originals would have had to 72
have been retained. Court dockets, indexes, journals, and cash 73
books, and all other court records also shall be subject to 74
destruction or other disposition under section 149.39 of the 75
Revised Code. 76

(E) Notwithstanding section 149.39 of the Revised Code, each 77
clerk of a municipal court shall retain documentation regarding 78
each criminal conviction and plea of guilty involving a case that 79

is or was before the court. The documentation shall be in a form
that is admissible as evidence in a criminal proceeding as
evidence of a prior conviction or that is readily convertible to
or producible in a form that is admissible as evidence in a
criminal proceeding as evidence of a prior conviction and may be
retained in any form authorized by section 9.01 of the Revised
Code. The clerk shall retain this documentation for a period of
fifty years after the entry of judgment in the case, except that
documentation regarding cases solely concerned with minor
misdemeanor offenses or minor misdemeanor traffic offenses shall
be retained as provided in divisions (A) and (B) of this section,
and documentation regarding other misdemeanor traffic offenses
shall be retained for a period of twenty-five years after the
entry of judgment in the case. This section shall apply to records
currently retained and to records created on or after ~~the~~
~~effective date of this amendment~~ September 23, 2004.

Sec. 1907.231. Notwithstanding section 149.38 of the Revised
Code, each clerk of a county court shall retain documentation
regarding each criminal conviction and plea of guilty involving a
case that is or was before the court. The documentation shall be
in a form that is admissible as evidence in a criminal proceeding
as evidence of a prior conviction or that is readily convertible
to or producible in a form that is admissible as evidence in a
criminal proceeding as evidence of a prior conviction and may be
retained in any form authorized by section 9.01 of the Revised
Code. The clerk shall retain this documentation for a period of
fifty years after the entry of judgment in the case, except that
documentation regarding cases solely concerned with minor
misdemeanor offenses or minor misdemeanor traffic offenses shall
be retained as provided in divisions (A) and (B) of section
1901.41 of the Revised Code, and documentation regarding other
misdemeanor traffic offenses shall be retained for a period of

80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111

twenty-five years after the entry of judgment in the case. This 112
section shall apply to records currently retained and to records 113
created on or after ~~the effective date of this section~~ September 114
23, 2004. 115

Sec. 2301.141. Notwithstanding section 149.38 of the Revised 116
Code, each clerk of a court of common pleas shall retain 117
documentation regarding each criminal conviction and plea of 118
guilty involving a case that is or was before the court. The 119
documentation shall be in a form that is admissible as evidence in 120
a criminal proceeding as evidence of a prior conviction or that is 121
readily convertible to or producible in a form that is admissible 122
as evidence in a criminal proceeding as evidence of a prior 123
conviction and may be retained in any form authorized by section 124
9.01 of the Revised Code. The clerk shall retain this 125
documentation for a period of fifty years after the entry of 126
judgment in the case, except that documentation regarding cases 127
solely concerned with minor misdemeanor offenses or minor 128
misdemeanor traffic offenses shall be retained as provided in 129
divisions (A) and (B) of section 1901.41 of the Revised Code, and 130
documentation regarding other misdemeanor traffic offenses shall 131
be retained for a period of twenty-five years after the entry of 132
judgment in the case. This section shall apply to records 133
currently retained and to records created on or after ~~the~~ 134
~~effective date of this section~~ September 23, 2004. 135

Sec. 4521.01. As used in this chapter: 136

(A) "Parking infraction" means a violation of any ordinance, 137
resolution, or regulation enacted by a local authority that 138
regulates the standing or parking of vehicles and that is 139
authorized pursuant to section 505.17 or 4511.07 of the Revised 140
Code, or a violation of any ordinance, resolution, or regulation 141
enacted by a local authority as authorized by this chapter, if the 142

local authority in either of these cases also has enacted an
ordinance, resolution, or regulation of the type described in
division (A) of section 4521.02 of the Revised Code in relation to
the particular regulatory ordinance, resolution, or regulation.

(B) "Vehicle" has the same meaning as in section 4511.01 of
the Revised Code.

(C) "Court" means a municipal court, 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.

(D) "Local authority" means every county, municipal
corporation, township, or other local board or body having
authority to adopt police regulations pursuant to the constitution
and laws of this state.

(E) "Disability parking space" means a motor vehicle parking
location that is reserved for the exclusive standing or parking of
a vehicle that is operated by or on behalf of a person with a
disability that limits or impairs the ability to walk and displays
a placard or license plates issued under section 4503.44 of the
Revised Code.

(F) "Person with a disability that limits or impairs the
ability to walk" has the same meaning as in section 4503.44 of the
Revised Code.

Sec. 4521.02. (A) A local authority that enacts any
ordinance, resolution, or regulation that regulates the standing
or parking of vehicles and that is authorized pursuant to section
505.17 or 4511.07 of the Revised Code also by ordinance,
resolution, or regulation may specify that a violation of the
regulatory ordinance, resolution, or regulation shall not be
considered a criminal offense for any purpose, that a person who

commits the violation shall not be arrested as a result of the 173
commission of the violation, and that the violation shall be 174
handled pursuant to this chapter. If such a specification is made, 175
the local authority also by ordinance, resolution, or regulation 176
shall adopt a fine for a violation of the regulatory ordinance, 177
resolution, or regulation and prescribe an additional penalty or 178
penalties for failure to answer any charges of the violation in a 179
timely manner. In no case shall any fine adopted or additional 180
penalty prescribed pursuant to this division exceed the fine 181
established by the municipal or county court having territorial 182
jurisdiction over the entire or a majority of the political 183
subdivision of the local authority, in its schedule of fines 184
established pursuant to Traffic Rule 13(C), for a substantively 185
comparable violation. ~~In~~ Except as provided in this division, in 186
no case shall any fine adopted or additional penalty prescribed 187
pursuant to this division exceed one hundred dollars, plus costs 188
and other administrative charges, per violation. 189

If a local authority chooses to adopt a specific fine for a 190
violation of an ordinance, resolution, or regulation that 191
regulates the standing or parking of a vehicle in a disability 192
parking space, the fine the local authority establishes for such 193
offense shall be an amount not less than two hundred fifty dollars 194
but not more than five hundred dollars. 195

(B) A local authority that enacts an ordinance, resolution, 196
or regulation pursuant to division (A) of this section also may 197
enact an ordinance, resolution, or regulation that provides for 198
the impoundment or immobilization of vehicles found standing or 199
parked in violation of the regulatory ordinance, resolution, or 200
regulation and the release of the vehicles to their owners. In no 201
case shall an ordinance, resolution, or regulation require the 202
owner of the vehicle to post bond or deposit cash in excess of one 203
thousand dollars in order to obtain release of the vehicle. 204

(C) A local authority that enacts any ordinance, resolution, or regulation pursuant to division (A) of this section also shall enact an ordinance, resolution, or regulation that specifies the time within which a person who is issued a parking ticket must answer in relation to the parking infraction charged in the ticket.

Sec. 4521.10. (A)(1) If a judgment or default judgment is entered against a person pursuant to section 4521.08 of the Revised Code for a violation of an ordinance, resolution, or regulation that regulates the standing or parking of a vehicle in a disability parking space and the person has not paid the judgment or default judgment within ten days of the date of entry of the judgment, the parking violations bureau, joint parking violations bureau, or traffic violations bureau in which the judgment was entered may give notice of that fact to the registrar of motor vehicles. The notice, if given, shall be given not earlier than sixteen days nor later than three years after the date of entry of the judgment, and shall be in a form and manner, and contain such information, as the registrar prescribes.

(2) If three or more judgments or default judgments have been entered against a person pursuant to section 4521.08 of the Revised Code and the person has not paid the judgments or default judgments within ten days of the date of entry of the third judgment, the parking violations bureau, joint parking violations bureau, or traffic violations bureau in which the judgments were entered may give notice of that fact to the registrar ~~of motor vehicles~~. The notice, if given, shall be given not earlier than sixteen days nor later than three years after the date of entry of the third judgment, and shall be in a form and manner, and contain such information, as the registrar prescribes.

(B)(1) Upon receipt of a notice as provided in division (A)

of this section, neither the registrar nor any deputy registrar 236
shall accept any application for the registration or transfer of 237
registration of any motor vehicle owned or leased by the person 238
named in the notice unless the person presents a release as 239
provided in division (C) of this section or unless the registrar 240
is properly notified by the parking violations bureau, joint 241
parking violations bureau, or traffic violations bureau that the 242
judgment or default judgment described in division (A)(1) of this 243
section or the judgments or default judgments described in 244
division (A)(2) of this section have been paid, dismissed, or 245
reversed on appeal, or that the initial notice was given in error 246
and is therefore canceled. 247

(2) The registrar shall not be required to give effect to any 248
notice provided by a parking violations bureau, joint parking 249
violations bureau, or traffic violations bureau under division (A) 250
of this section unless the information contained in the "Ohio 251
uniform traffic tickets" described in Traffic Rule 3 (A) and (B) 252
that the bureau processes is transmitted to the registrar by means 253
of an electronic transfer system. 254

(C) When a notice as provided in division (A) of this section 255
is given to the registrar and the judgments or default judgments 256
are subsequently paid, dismissed, or reversed on appeal, or it is 257
discovered that the notice was given in error and is therefore 258
canceled, the parking violations bureau, joint parking violations 259
bureau, or traffic violations bureau giving the initial notice 260
shall immediately notify the registrar of such payment, dismissal, 261
reversal, or cancellation. The notification shall be in a form and 262
manner, and contain such information, as the registrar prescribes. 263
If the initial notice was not given in error, the parking 264
violations bureau, joint parking violations bureau, or traffic 265
violations bureau shall charge the person a five dollar processing 266
fee for each judgment or default judgment to cover the costs of 267

the bureau of motor vehicles in administering this section. Upon
payment of the fee, the parking violations bureau, joint parking
violations bureau, or traffic violations bureau shall give to the
person a release to be presented at the time of registering or
transferring the registration of a motor vehicle owned or leased
by ~~him~~ the person. All fees collected under this division shall be
transmitted monthly to the registrar for deposit in the state
bureau of motor vehicles fund established by section 4501.25 of
the Revised Code.

(D) The registrar shall cause the information contained in
each notice received pursuant to division (A) of this section to
be removed from the records of the bureau of motor vehicles and of
the deputy registrars thirteen months after the date the
information was entered into the records, unless the registrar
receives a further notice from the parking violations bureau,
joint parking violations bureau, or traffic violations bureau
submitting the initial notice that the judgments or default
judgments are still outstanding.

(E) When any application for the registration or transfer of
registration of a motor vehicle is refused as provided in division
(B) of this section, the registrar or deputy registrar to whom
application is made shall inform the person that no such
application may be accepted unless the person presents a release
as provided in division (C) of this section or the records of the
bureau of motor vehicles and of the deputy registrar indicate that
each judgment and default judgment against the person is paid,
dismissed, reversed on appeal, or canceled.

(F) When any person named in a notice as provided in division
(A) of this section applies for the registration or transfer of
registration of any motor vehicle owned or leased by ~~him~~ the
person and presents a release as provided in division (C) of this
section or the records of the bureau of motor vehicles and of any

deputy registrar to whom the application is made indicate that 300
each judgment and default judgment against the person has been 301
paid, dismissed, or reversed on appeal, the registrar or deputy 302
registrar shall accept the application for registration or 303
transfer of registration and may issue a certificate of 304
registration or amended certificate of registration for the motor 305
vehicle. 306

(G) In determining whether the judgments or default judgments 307
that have been entered against a person as provided in division 308
(A)(2) of this section total three or more, the parking violations 309
bureau, joint parking violations bureau, or traffic violations 310
bureau may apply to that total any violation the person committed 311
during the relevant time period by illegally standing or parking a 312
vehicle in a disability parking space, irrespective of the amount 313
of the fine imposed for such violation. 314

(H) The registrar shall adopt such rules as ~~he~~ the registrar 315
considers necessary to ensure the orderly operation of sections 316
4521.09 and 4521.10 of the Revised Code, and any parking 317
violations bureau, joint parking violations bureau, or traffic 318
violations bureau shall conform to those rules. 319

Section 2. That existing sections 1901.41, 1907.231, 320
2301.141, 4521.01, 4521.02, and 4521.10 the Revised Code are 321
hereby repealed. 322