

As Passed by the Senate

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Am. H. B. No. 226

**Representatives Hoops, C. Evans, Flowers, Kearns, Martin, McGregor, Seitz,
Setzer, Wagoner, Brown, Hartnett, Koziura, Willamowski, Barrett, Coley,
Combs, Daniels, Domenick, Harwood, Otterman
Senators Schuler, Carey, Cates**

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A B I L L

To amend section 1901.26 of the Revised Code to	1
authorize the legislative authority of a municipal	2
corporation to establish a schedule of fees to be	3
taxed as costs in a civil, criminal, or traffic	4
proceeding in a municipal court for services	5
performed by officers or employees of the	6
municipal corporation's police department or	7
marshal's office and to revise the law regarding	8
the Workers' Compensation Oversight Commission's	9
reporting requirements concerning investments.	10

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

Section 1. That section 1901.26 of the Revised Code be	11
amended to read as follows:	12

Sec. 1901.26. (A) Subject to division (E) of this section,	13
costs in a municipal court shall be fixed and taxed as follows:	14

(1)(a) The municipal court shall require an advance deposit	15
for the filing of any new civil action or proceeding when required	16
by division (A)(9) (C) of this section, and in all other cases, by	17

rule, shall establish a schedule of fees and costs to be taxed in 18
any civil or criminal action or proceeding. 19

(b)(i) The legislative authority of a municipal corporation 20
may by ordinance establish a schedule of fees to be taxed as costs 21
in any civil, criminal, or traffic action or proceeding in a 22
municipal court for the performance by officers or other employees 23
of the municipal corporation's police department or marshal's 24
office of any of the services specified in sections 311.17 and 25
509.15 of the Revised Code. No fee in the schedule shall be higher 26
than the fee specified in section 311.17 of the Revised Code for 27
the performance of the same service by the sheriff. If a fee 28
established in the schedule conflicts with a fee for the same 29
service established in another section of the Revised Code or a 30
rule of court, the fee established in the other section of the 31
Revised Code or the rule of court shall apply. 32

(ii) When an officer or employee of a municipal police 33
department or marshal's office performs in a civil, criminal, or 34
traffic action or proceeding in a municipal court a service 35
specified in section 311.17 or 509.15 of the Revised Code for 36
which a taxable fee has been established under this or any other 37
section of the Revised Code, the applicable legal fees and any 38
other extraordinary expenses, including overtime, provided for the 39
service shall be taxed as costs in the case. The clerk of the 40
court shall pay those legal fees and other expenses, when 41
collected, into the general fund of the municipal corporation that 42
employs the officer or employee. 43

(iii) If a bailiff of a municipal court performs in a civil, 44
criminal, or traffic action or proceeding in that court a service 45
specified in section 311.17 or 509.15 of the Revised Code for 46
which a taxable fee has been established under this section or any 47
other section of the Revised Code, the fee for the service is the 48
same and is taxable to the same extent as if the service had been 49

performed by an officer or employee of the police department or
marshal's office of the municipal corporation in which the court
is located. The clerk of that court shall pay the fee, when
collected, into the general fund of the entity or entities that
fund the bailiff's salary, in the same pro-rated amount as the
salary is funded.

(iv) Division (A)(1)(b) of this section does not authorize or
require any officer or employee of a police department or
marshal's office of a municipal corporation or any bailiff of a
municipal court to perform any service not otherwise authorized by
law.

(2) The municipal court, by rule, may require an advance
deposit for the filing of any civil action or proceeding and
publication fees as provided in section 2701.09 of the Revised
Code. The court may waive the requirement for advance deposit upon
affidavit or other evidence that a party is unable to make the
required deposit.

(3) When a jury trial is demanded in any civil action or
proceeding, the party making the demand may be required to make an
advance deposit as fixed by rule of court, unless, upon affidavit
or other evidence, the court concludes that the party is unable to
make the required deposit. If a jury is called, the fees of a jury
shall be taxed as costs.

(4) In any civil or criminal action or proceeding, witnesses'
fees shall be fixed in accordance with sections 2335.06 and
2335.08 of the Revised Code.

(5) A reasonable charge for driving, towing, carting,
storing, keeping, and preserving motor vehicles and other personal
property recovered or seized in any proceeding may be taxed as
part of the costs in a trial of the cause, in an amount that shall
be fixed by rule of court.

(6) Chattel property seized under any writ or process issued 81
by the court shall be preserved pending final disposition for the 82
benefit of all persons interested and may be placed in storage 83
when necessary or proper for that preservation. The custodian of 84
any chattel property so stored shall not be required to part with 85
the possession of the property until a reasonable charge, to be 86
fixed by the court, is paid. 87

(7) The municipal court, as it determines, may refund all 88
deposits and advance payments of fees and costs, including those 89
for jurors and summoning jurors, when they have been paid by the 90
losing party. 91

(8) Charges for the publication of legal notices required by 92
statute or order of court may be taxed as part of the costs, as 93
provided by section 7.13 of the Revised Code. 94

(B)(1) The municipal court may determine that, for the 95
efficient operation of the court, additional funds are necessary 96
to acquire and pay for special projects of the court including, 97
but not limited to, the acquisition of additional facilities or 98
the rehabilitation of existing facilities, the acquisition of 99
equipment, the hiring and training of staff, community service 100
programs, mediation or dispute resolution services, the employment 101
of magistrates, the training and education of judges, acting 102
judges, and magistrates, and other related services. Upon that 103
determination, the court by rule may charge a fee, in addition to 104
all other court costs, on the filing of each criminal cause, civil 105
action or proceeding, or judgment by confession. 106

If the municipal court offers a special program or service in 107
cases of a specific type, the municipal court by rule may assess 108
an additional charge in a case of that type, over and above court 109
costs, to cover the special program or service. The municipal 110
court shall adjust the special assessment periodically, but not 111

retroactively, so that the amount assessed in those cases does not
exceed the actual cost of providing the service or program.

All moneys collected under division (B) of this section shall
be paid to the county treasurer if the court is a county-operated
municipal court or to the city treasurer if the court is not a
county-operated municipal court for deposit into either a general
special projects fund or a fund established for a specific special
project. Moneys from a fund of that nature shall be disbursed upon
an order of the court in an amount no greater than the actual cost
to the court of a project. If a specific fund is terminated
because of the discontinuance of a program or service established
under division (B) of this section, the municipal court may order
that moneys remaining in the fund be transferred to an account
established under this division for a similar purpose.

(2) As used in division (B) of this section:

(a) "Criminal cause" means a charge alleging the violation of
a statute or ordinance, or subsection of a statute or ordinance,
that requires a separate finding of fact or a separate plea before
disposition and of which the defendant may be found guilty,
whether filed as part of a multiple charge on a single summons,
citation, or complaint or as a separate charge on a single
summons, citation, or complaint. "Criminal cause" does not include
separate violations of the same statute or ordinance, or
subsection of the same statute or ordinance, unless each charge is
filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation
that must be determined by judgment entry.

(C) The municipal court shall collect in all its divisions
except the small claims division the sum of fifteen dollars as
additional filing fees in each new civil action or proceeding for
the charitable public purpose of providing financial assistance to

legal aid societies that operate within the state. The municipal
court shall collect in its small claims division the sum of seven
dollars as additional filing fees in each new civil action or
proceeding for the charitable public purpose of providing
financial assistance to legal aid societies that operate within
the state. This division does not apply to any execution on a
judgment, proceeding in aid of execution, or other post-judgment
proceeding arising out of a civil action. The filing fees required
to be collected under this division shall be in addition to any
other court costs imposed in the action or proceeding and shall be
collected at the time of the filing of the action or proceeding.
The court shall not waive the payment of the additional filing
fees in a new civil action or proceeding unless the court waives
the advanced payment of all filing fees in the action or
proceeding. All such moneys shall be transmitted on the first
business day of each month by the clerk of the court to the
treasurer of state. The moneys then shall be deposited by the
treasurer of state to the credit of the legal aid fund established
under section 120.52 of the Revised Code.

The court may retain up to one per cent of the moneys it
collects under this division to cover administrative costs,
including the hiring of any additional personnel necessary to
implement this division.

(D) In the Cleveland municipal court, reasonable charges for
investigating titles of real estate to be sold or disposed of
under any writ or process of the court may be taxed as part of the
costs.

(E) Under the circumstances described in sections 2969.21 to
2969.27 of the Revised Code, the clerk of the municipal court
shall charge the fees and perform the other duties specified in
those sections.

Section 2. That existing section 1901.26 of the Revised Code 174
is hereby repealed. 175

Section 3. Notwithstanding Section 502.03 of Am. Sub. H.B. 176
66 of the 126th General Assembly, the assets of funds that at the 177
time that section took effect were invested in investments that 178
are prohibited by section 4121.12 of the Revised Code and the 179
assets of funds that, in the twelve months immediately preceding 180
the effective date of that section, had been invested in 181
investments that are prohibited by section 4121.12 of the Revised 182
Code shall be divested in the most expedient time possible to 183
obtain the maximum value during the liquidation unless the assets 184
are being held as evidence in a criminal investigation or 185
prosecution. If the assets are being held as evidence in a 186
criminal investigation or prosecution, the assets shall be 187
divested in the most expedient time possible to obtain the maximum 188
value during the liquidation after the investigation or 189
prosecution has concluded. 190