

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 211**

**Senator Bacon**

**Cosponsor: Senator Seitz**

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**A B I L L**

To amend sections 1901.261, 1901.31, 1907.20, 1  
1907.26, 1907.261, and 4503.39 and to enact 2  
sections 117.102, 1901.263, 1901.44, 1905.202, 3  
1905.33, 1907.25, 1907.263, 2303.203, and 5747.124 4  
of the Revised Code to require that all moneys 5  
collected by the clerk of a municipal or county 6  
court be paid to the appropriate person, fund, or 7  
entity on or before the twentieth day of each 8  
month, to permit a municipal or county court to 9  
collect unpaid court costs, fees, or fines from an 10  
obligor's state income tax refund, to require the 11  
Auditor of State to create and maintain a chart 12  
detailing the distribution of court costs, fees, 13  
and fines collected by municipal and county court 14  
clerks, to create the Committee on Court Costs, 15  
and to ensure that neither the Registrar nor any 16  
deputy registrar accepts any application for the 17  
issuance or renewal of a driver's license, 18  
commercial driver's license, or temporary 19  
instruction permit, or for the registration or 20  
transfer of registration of a motor vehicle of a 21  
person who fails to pay court costs imposed for 22  
offenses by a municipal mayor's, or county court. 23

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

**Section 1.** That sections 1901.261, 1901.31, 1907.20, 1907.26, 24  
1907.261, and 4503.39 be amended and sections 117.102, 1901.263, 25  
1901.44, 1905.202, 1905.33, 1907.25, 1907.263, 2303.203, and 26  
5747.124 of the Revised Code be enacted to read as follows: 27

**Sec. 117.102.** The auditor of state shall develop and 28  
periodically update a chart detailing the distribution of court 29  
costs, fees, and fines collected by the clerks of municipal courts 30  
and county courts. 31

**Sec. 1901.261.** (A)(1) A municipal court may determine that 32  
for the efficient operation of the court additional funds are 33  
required to computerize the court, to make available computerized 34  
legal research services, or to do both. Upon making a 35  
determination that additional funds are required for either or 36  
both of those purposes, the court shall include in its schedule of 37  
fees and costs under section 1901.26 of the Revised Code one 38  
additional fee not to exceed three dollars on the filing of each 39  
cause of action or appeal equivalent to one described in division 40  
(A), (Q), or (U) of section 2303.20 of the Revised Code and shall 41  
direct the clerk of the court to charge the fee. 42

(2) All fees collected under this section shall be paid on or 43  
before the twentieth day of each month to the county treasurer if 44  
the court is a county-operated municipal court or to the city 45  
treasurer if the court is not a county-operated municipal court. 46  
The treasurer shall place the funds from the fees in a separate 47  
fund to be disbursed upon an order of the court in an amount not 48  
greater than the actual cost to the court of computerizing the 49  
court, procuring and maintaining computerized legal research 50  
services, or both. 51

(3) If the court determines that the funds in the fund 52  
described in division (A)(2) of this section are more than 53  
sufficient to satisfy the purpose for which the additional fee 54  
described in division (A)(1) of this section was imposed, the 55  
court may declare a surplus in the fund and expend those surplus 56  
funds for other appropriate technological expenses of the court. 57

(B)(1) A municipal court may determine that, for the 58  
efficient operation of the court, additional funds are required to 59  
computerize the office of the clerk of the court and, upon that 60  
determination, may include in its schedule of fees and costs under 61  
section 1901.26 of the Revised Code an additional fee not to 62  
exceed ten dollars on the filing of each cause of action or 63  
appeal, on the filing, docketing, and endorsing of each 64  
certificate of judgment, or on the docketing and indexing of each 65  
aid in execution or petition to vacate, revive, or modify a 66  
judgment that is equivalent to one described in division (A), (P), 67  
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 68  
to division (B)(2) of this section, all moneys collected under 69  
division (B)(1) of this section shall be paid on or before the 70  
twentieth day of each month to the county treasurer if the court 71  
is a county-operated municipal court or to the city treasurer if 72  
the court is not a county-operated municipal court. The treasurer 73  
shall place the funds from the fees in a separate fund to be 74  
disbursed, upon an order of the municipal court and subject to an 75  
appropriation by the board of county commissioners if the court is 76  
a county-operated municipal court or by the legislative authority 77  
of the municipal corporation if the court is not a county-operated 78  
municipal court, in an amount no greater than the actual cost to 79  
the court of procuring and maintaining computer systems for the 80  
office of the clerk of the municipal court. 81

(2) If a municipal court makes the determination described in 82  
division (B)(1) of this section, the board of county commissioners 83

of the county if the court is a county-operated municipal court or 84  
the legislative authority of the municipal corporation if the 85  
court is not a county-operated municipal court, may issue one or 86  
more general obligation bonds for the purpose of procuring and 87  
maintaining the computer systems for the office of the clerk of 88  
the municipal court. In addition to the purposes stated in 89  
division (B)(1) of this section for which the moneys collected 90  
under that division may be expended, the moneys additionally may 91  
be expended to pay debt charges and financing costs related to any 92  
general obligation bonds issued pursuant to division (B)(2) of 93  
this section as they become due. General obligation bonds issued 94  
pursuant to division (B)(2) of this section are Chapter 133. 95  
securities. 96

Sec. 1901.263. (A) As used in this section, "unpaid court 97  
costs, fees, or fines" means any court costs, fees, or fines that 98  
an obligor has not paid to the appropriate court at least two 99  
years after the date on which the obligor was required by the 100  
court or by a statute or rule to pay the court costs, fees, or 101  
fines. 102

(B) The municipal court shall work with the tax commissioner 103  
to collect unpaid court costs, fees, or fines from refunds of 104  
state income taxes that are payable to obligors. 105

(C) A municipal court may collect any unpaid court costs, 106  
fees, or fines under this section. Any reduction under section 107  
5747.12, 5747.121, 5747.122, or 5747.123 of the Revised Code to an 108  
income tax refund shall be made before a reduction under this 109  
section. No reduction shall be made under this section if the 110  
amount of the refund is less than twenty-five dollars after any 111  
reduction under section 5747.12 of the Revised Code. A reduction 112  
under this section shall be made before any part of the refund is 113  
contributed under section 5747.113 of the Revised Code or is 114

credited under section 5747.12 of the Revised Code against tax due 115  
in any subsequent year. 116

(D) The court and the tax commissioner, by rules adopted in 117  
accordance with Chapter 119. of the Revised Code, shall establish 118  
procedures to implement this section. The procedures shall provide 119  
for notice to an obligor of unpaid court costs, fees, or fines and 120  
an opportunity for the obligor to be heard before the obligor's 121  
income tax refund is reduced. 122

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 123  
court shall be selected, be compensated, give bond, and have 124  
powers and duties as follows: 125

(A) There shall be a clerk of the court who is appointed or 126  
elected as follows: 127

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 128  
county, Montgomery county, Portage county, and Wayne county 129  
municipal courts and through December 31, 2008, the Cuyahoga Falls 130  
municipal court, if the population of the territory equals or 131  
exceeds one hundred thousand at the regular municipal election 132  
immediately preceding the expiration of the term of the present 133  
clerk, the clerk shall be nominated and elected by the qualified 134  
electors of the territory in the manner that is provided for the 135  
nomination and election of judges in section 1901.07 of the 136  
Revised Code. 137

The clerk so elected shall hold office for a term of six 138  
years, which term shall commence on the first day of January 139  
following the clerk's election and continue until the clerk's 140  
successor is elected and qualified. 141

(b) In the Hamilton county municipal court, the clerk of 142  
courts of Hamilton county shall be the clerk of the municipal 143  
court and may appoint an assistant clerk who shall receive the 144

compensation, payable out of the treasury of Hamilton county in 145  
semimonthly installments, that the board of county commissioners 146  
prescribes. The clerk of courts of Hamilton county, acting as the 147  
clerk of the Hamilton county municipal court and assuming the 148  
duties of that office, shall receive compensation at one-fourth 149  
the rate that is prescribed for the clerks of courts of common 150  
pleas as determined in accordance with the population of the 151  
county and the rates set forth in sections 325.08 and 325.18 of 152  
the Revised Code. This compensation shall be paid from the county 153  
treasury in semimonthly installments and is in addition to the 154  
annual compensation that is received for the performance of the 155  
duties of the clerk of courts of Hamilton county, as provided in 156  
sections 325.08 and 325.18 of the Revised Code. 157

(c) In the Portage county and Wayne county municipal courts, 158  
the clerks of courts of Portage county and Wayne county shall be 159  
the clerks, respectively, of the Portage county and Wayne county 160  
municipal courts and may appoint a chief deputy clerk for each 161  
branch that is established pursuant to section 1901.311 of the 162  
Revised Code and assistant clerks as the judges of the municipal 163  
court determine are necessary, all of whom shall receive the 164  
compensation that the legislative authority prescribes. The clerks 165  
of courts of Portage county and Wayne county, acting as the clerks 166  
of the Portage county and Wayne county municipal courts and 167  
assuming the duties of these offices, shall receive compensation 168  
payable from the county treasury in semimonthly installments at 169  
one-fourth the rate that is prescribed for the clerks of courts of 170  
common pleas as determined in accordance with the population of 171  
the county and the rates set forth in sections 325.08 and 325.18 172  
of the Revised Code. 173

(d) In the Montgomery county municipal court, the clerk of 174  
courts of Montgomery county shall be the clerk of the municipal 175  
court. The clerk of courts of Montgomery county, acting as the 176

clerk of the Montgomery county municipal court and assuming the 177  
duties of that office, shall receive compensation at one-fourth 178  
the rate that is prescribed for the clerks of courts of common 179  
pleas as determined in accordance with the population of the 180  
county and the rates set forth in sections 325.08 and 325.18 of 181  
the Revised Code. This compensation shall be paid from the county 182  
treasury in semimonthly installments and is in addition to the 183  
annual compensation that is received for the performance of the 184  
duties of the clerk of courts of Montgomery county, as provided in 185  
sections 325.08 and 325.18 of the Revised Code. 186

(e) Except as otherwise provided in division (A)(1)(e) of 187  
this section, in the Akron municipal court, candidates for 188  
election to the office of clerk of the court shall be nominated by 189  
primary election. The primary election shall be held on the day 190  
specified in the charter of the city of Akron for the nomination 191  
of municipal officers. Notwithstanding any contrary provision of 192  
section 3513.05 or 3513.257 of the Revised Code, the declarations 193  
of candidacy and petitions of partisan candidates and the 194  
nominating petitions of independent candidates for the office of 195  
clerk of the Akron municipal court shall be signed by at least 196  
fifty qualified electors of the territory of the court. 197

The candidates shall file a declaration of candidacy and 198  
petition, or a nominating petition, whichever is applicable, not 199  
later than four p.m. of the ninetieth day before the day of the 200  
primary election, in the form prescribed by section 3513.07 or 201  
3513.261 of the Revised Code. The declaration of candidacy and 202  
petition, or the nominating petition, shall conform to the 203  
applicable requirements of section 3513.05 or 3513.257 of the 204  
Revised Code. 205

If no valid declaration of candidacy and petition is filed by 206  
any person for nomination as a candidate of a particular political 207  
party for election to the office of clerk of the Akron municipal 208

court, a primary election shall not be held for the purpose of 209  
nominating a candidate of that party for election to that office. 210  
If only one person files a valid declaration of candidacy and 211  
petition for nomination as a candidate of a particular political 212  
party for election to that office, a primary election shall not be 213  
held for the purpose of nominating a candidate of that party for 214  
election to that office, and the candidate shall be issued a 215  
certificate of nomination in the manner set forth in section 216  
3513.02 of the Revised Code. 217

Declarations of candidacy and petitions, nominating 218  
petitions, and certificates of nomination for the office of clerk 219  
of the Akron municipal court shall contain a designation of the 220  
term for which the candidate seeks election. At the following 221  
regular municipal election, all candidates for the office shall be 222  
submitted to the qualified electors of the territory of the court 223  
in the manner that is provided in section 1901.07 of the Revised 224  
Code for the election of the judges of the court. The clerk so 225  
elected shall hold office for a term of six years, which term 226  
shall commence on the first day of January following the clerk's 227  
election and continue until the clerk's successor is elected and 228  
qualified. 229

(f) Except as otherwise provided in division (A)(1)(f) of 230  
this section, in the Barberton municipal court, candidates for 231  
election to the office of clerk of the court shall be nominated by 232  
primary election. The primary election shall be held on the day 233  
specified in the charter of the city of Barberton for the 234  
nomination of municipal officers. Notwithstanding any contrary 235  
provision of section 3513.05 or 3513.257 of the Revised Code, the 236  
declarations of candidacy and petitions of partisan candidates and 237  
the nominating petitions of independent candidates for the office 238  
of clerk of the Barberton municipal court shall be signed by at 239  
least fifty qualified electors of the territory of the court. 240



The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the ninetieth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Barberton municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise 273  
provided in division (A)(1)(g)(i) of this section, in the Cuyahoga 274  
Falls municipal court, candidates for election to the office of 275  
clerk of the court shall be nominated by primary election. The 276  
primary election shall be held on the day specified in the charter 277  
of the city of Cuyahoga Falls for the nomination of municipal 278  
officers. Notwithstanding any contrary provision of section 279  
3513.05 or 3513.257 of the Revised Code, the declarations of 280  
candidacy and petitions of partisan candidates and the nominating 281  
petitions of independent candidates for the office of clerk of the 282  
Cuyahoga Falls municipal court shall be signed by at least fifty 283  
qualified electors of the territory of the court. 284

The candidates shall file a declaration of candidacy and 285  
petition, or a nominating petition, whichever is applicable, not 286  
later than four p.m. of the ninetieth day before the day of the 287  
primary election, in the form prescribed by section 3513.07 or 288  
3513.261 of the Revised Code. The declaration of candidacy and 289  
petition, or the nominating petition, shall conform to the 290  
applicable requirements of section 3513.05 or 3513.257 of the 291  
Revised Code. 292

If no valid declaration of candidacy and petition is filed by 293  
any person for nomination as a candidate of a particular political 294  
party for election to the office of clerk of the Cuyahoga Falls 295  
municipal court, a primary election shall not be held for the 296  
purpose of nominating a candidate of that party for election to 297  
that office. If only one person files a valid declaration of 298  
candidacy and petition for nomination as a candidate of a 299  
particular political party for election to that office, a primary 300  
election shall not be held for the purpose of nominating a 301  
candidate of that party for election to that office, and the 302  
candidate shall be issued a certificate of nomination in the 303  
manner set forth in section 3513.02 of the Revised Code. 304

Declarations of candidacy and petitions, nominating 305  
petitions, and certificates of nomination for the office of clerk 306  
of the Cuyahoga Falls municipal court shall contain a designation 307  
of the term for which the candidate seeks election. At the 308  
following regular municipal election, all candidates for the 309  
office shall be submitted to the qualified electors of the 310  
territory of the court in the manner that is provided in section 311  
1901.07 of the Revised Code for the election of the judges of the 312  
court. The clerk so elected shall hold office for a term of six 313  
years, which term shall commence on the first day of January 314  
following the clerk's election and continue until the clerk's 315  
successor is elected and qualified. 316

(ii) Division (A)(1)(g)(i) of this section shall have no 317  
effect after December 31, 2008. 318

(h) Except as otherwise provided in division (A)(1)(h) of 319  
this section, in the Toledo municipal court, candidates for 320  
election to the office of clerk of the court shall be nominated by 321  
primary election. The primary election shall be held on the day 322  
specified in the charter of the city of Toledo for the nomination 323  
of municipal officers. Notwithstanding any contrary provision of 324  
section 3513.05 or 3513.257 of the Revised Code, the declarations 325  
of candidacy and petitions of partisan candidates and the 326  
nominating petitions of independent candidates for the office of 327  
clerk of the Toledo municipal court shall be signed by at least 328  
fifty qualified electors of the territory of the court. 329

The candidates shall file a declaration of candidacy and 330  
petition, or a nominating petition, whichever is applicable, not 331  
later than four p.m. of the ninetieth day before the day of the 332  
primary election, in the form prescribed by section 3513.07 or 333  
3513.261 of the Revised Code. The declaration of candidacy and 334  
petition, or the nominating petition, shall conform to the 335  
applicable requirements of section 3513.05 or 3513.257 of the 336

Revised Code. 337

If no valid declaration of candidacy and petition is filed by 338  
any person for nomination as a candidate of a particular political 339  
party for election to the office of clerk of the Toledo municipal 340  
court, a primary election shall not be held for the purpose of 341  
nominating a candidate of that party for election to that office. 342  
If only one person files a valid declaration of candidacy and 343  
petition for nomination as a candidate of a particular political 344  
party for election to that office, a primary election shall not be 345  
held for the purpose of nominating a candidate of that party for 346  
election to that office, and the candidate shall be issued a 347  
certificate of nomination in the manner set forth in section 348  
3513.02 of the Revised Code. 349

Declarations of candidacy and petitions, nominating 350  
petitions, and certificates of nomination for the office of clerk 351  
of the Toledo municipal court shall contain a designation of the 352  
term for which the candidate seeks election. At the following 353  
regular municipal election, all candidates for the office shall be 354  
submitted to the qualified electors of the territory of the court 355  
in the manner that is provided in section 1901.07 of the Revised 356  
Code for the election of the judges of the court. The clerk so 357  
elected shall hold office for a term of six years, which term 358  
shall commence on the first day of January following the clerk's 359  
election and continue until the clerk's successor is elected and 360  
qualified. 361

(2)(a) Except for the Alliance, Auglaize county, Brown 362  
county, Columbiana county, Holmes county, Putnam county, Lorain, 363  
Massillon, and Youngstown municipal courts, in a municipal court 364  
for which the population of the territory is less than one hundred 365  
thousand, the clerk shall be appointed by the court, and the clerk 366  
shall hold office until the clerk's successor is appointed and 367  
qualified. 368

(b) In the Alliance, Lorain, Massillon, and Youngstown 369  
municipal courts, the clerk shall be elected for a term of office 370  
as described in division (A)(1)(a) of this section. 371

(c) In the Auglaize county, Brown county, Holmes county, and 372  
Putnam county municipal courts, the clerks of courts of Auglaize 373  
county, Brown county, Holmes county, and Putnam county shall be 374  
the clerks, respectively, of the Auglaize county, Brown county, 375  
Holmes county, and Putnam county municipal courts and may appoint 376  
a chief deputy clerk for each branch office that is established 377  
pursuant to section 1901.311 of the Revised Code, and assistant 378  
clerks as the judge of the court determines are necessary, all of 379  
whom shall receive the compensation that the legislative authority 380  
prescribes. The clerks of courts of Auglaize county, Brown county, 381  
Holmes county, and Putnam county, acting as the clerks of the 382  
Auglaize county, Brown county, Holmes county, and Putnam county 383  
municipal courts and assuming the duties of these offices, shall 384  
receive compensation payable from the county treasury in 385  
semimonthly installments at one-fourth the rate that is prescribed 386  
for the clerks of courts of common pleas as determined in 387  
accordance with the population of the county and the rates set 388  
forth in sections 325.08 and 325.18 of the Revised Code. 389

(d) In the Columbiana county municipal court, the clerk of 390  
courts of Columbiana county shall be the clerk of the municipal 391  
court, may appoint a chief deputy clerk for each branch office 392  
that is established pursuant to section 1901.311 of the Revised 393  
Code, and may appoint any assistant clerks that the judges of the 394  
court determine are necessary. All of the chief deputy clerks and 395  
assistant clerks shall receive the compensation that the 396  
legislative authority prescribes. The clerk of courts of 397  
Columbiana county, acting as the clerk of the Columbiana county 398  
municipal court and assuming the duties of that office, shall 399  
receive in either biweekly installments or semimonthly 400

installments, as determined by the payroll administrator, 401  
compensation payable from the county treasury at one-fourth the 402  
rate that is prescribed for the clerks of courts of common pleas 403  
as determined in accordance with the population of the county and 404  
the rates set forth in sections 325.08 and 325.18 of the Revised 405  
Code. 406

(3) During the temporary absence of the clerk due to illness, 407  
vacation, or other proper cause, the court may appoint a temporary 408  
clerk, who shall be paid the same compensation, have the same 409  
authority, and perform the same duties as the clerk. 410

(B) Except in the Hamilton county, Montgomery county, Portage 411  
county, and Wayne county municipal courts, if a vacancy occurs in 412  
the office of the clerk of the Alliance, Lorain, Massillon, or 413  
Youngstown municipal court or occurs in the office of the clerk of 414  
a municipal court for which the population of the territory equals 415  
or exceeds one hundred thousand because the clerk ceases to hold 416  
the office before the end of the clerk's term or because a 417  
clerk-elect fails to take office, the vacancy shall be filled, 418  
until a successor is elected and qualified, by a person chosen by 419  
the residents of the territory of the court who are members of the 420  
county central committee of the political party by which the last 421  
occupant of that office or the clerk-elect was nominated. Not less 422  
than five nor more than fifteen days after a vacancy occurs, those 423  
members of that county central committee shall meet to make an 424  
appointment to fill the vacancy. At least four days before the 425  
date of the meeting, the chairperson or a secretary of the county 426  
central committee shall notify each such member of that county 427  
central committee by first class mail of the date, time, and place 428  
of the meeting and its purpose. A majority of all such members of 429  
that county central committee constitutes a quorum, and a majority 430  
of the quorum is required to make the appointment. If the office 431  
so vacated was occupied or was to be occupied by a person not 432

433 nominated at a primary election, or if the appointment was not  
434 made by the committee members in accordance with this division,  
435 the court shall make an appointment to fill the vacancy. A  
436 successor shall be elected to fill the office for the unexpired  
437 term at the first municipal election that is held more than one  
438 hundred thirty-five days after the vacancy occurred.

439 (C)(1) In a municipal court, other than the Auglaize county,  
440 the Brown county, the Columbiana county, the Holmes county, the  
441 Putnam county, and the Lorain municipal courts, for which the  
442 population of the territory is less than one hundred thousand, the  
443 clerk of the municipal court shall receive the annual compensation  
444 that the presiding judge of the court prescribes, if the revenue  
445 of the court for the preceding calendar year, as certified by the  
446 auditor or chief fiscal officer of the municipal corporation in  
447 which the court is located or, in the case of a county-operated  
448 municipal court, the county auditor, is equal to or greater than  
449 the expenditures, including any debt charges, for the operation of  
450 the court payable under this chapter from the city treasury or, in  
451 the case of a county-operated municipal court, the county treasury  
452 for that calendar year, as also certified by the auditor or chief  
453 fiscal officer. If the revenue of a municipal court, other than  
454 the Auglaize county, the Brown county, the Columbiana county, the  
455 Putnam county, and the Lorain municipal courts, for which the  
456 population of the territory is less than one hundred thousand for  
457 the preceding calendar year as so certified is not equal to or  
458 greater than those expenditures for the operation of the court for  
459 that calendar year as so certified, the clerk of a municipal court  
460 shall receive the annual compensation that the legislative  
461 authority prescribes. As used in this division, "revenue" means  
462 the total of all costs and fees that are collected and paid to the  
463 city treasury or, in a county-operated municipal court, the county  
464 treasury by the clerk of the municipal court under division (F) of  
465 this section and all interest received and paid to the city

treasury or, in a county-operated municipal court, the county treasury in relation to the costs and fees under division (G) of this section.

(2) In a municipal court, other than the Hamilton county, Montgomery county, Portage county, and Wayne county municipal courts, for which the population of the territory is one hundred thousand or more, and in the Lorain municipal court, the clerk of the municipal court shall receive annual compensation in a sum equal to eighty-five per cent of the salary of a judge of the court.

(3) The compensation of a clerk described in division (C)(1) or (2) of this section and of the clerk of the Columbiana county municipal court is payable in either semimonthly installments or biweekly installments, as determined by the payroll administrator, from the same sources and in the same manner as provided in section 1901.11 of the Revised Code, except that the compensation of the clerk of the Carroll county municipal court is payable in biweekly installments.

(D) Before entering upon the duties of the clerk's office, the clerk of a municipal court shall give bond of not less than six thousand dollars to be determined by the judges of the court, conditioned upon the faithful performance of the clerk's duties.

(E) The clerk of a municipal court may do all of the following: administer oaths, take affidavits, and issue executions upon any judgment rendered in the court, including a judgment for unpaid costs; issue, sign, and attach the seal of the court to all writs, process, subpoenas, and papers issuing out of the court; and approve all bonds, sureties, recognizances, and undertakings fixed by any judge of the court or by law. The clerk may refuse to accept for filing any pleading or paper submitted for filing by a person who has been found to be a vexatious litigator under section 2323.52 of the Revised Code and who has failed to obtain



leave to proceed under that section. The clerk shall do all of the 498  
following: file and safely keep all journals, records, books, and 499  
papers belonging or appertaining to the court; record the 500  
proceedings of the court; perform all other duties that the judges 501  
of the court may prescribe; and keep a book showing all receipts 502  
and disbursements, which book shall be open for public inspection 503  
at all times. 504

The clerk shall prepare and maintain a general index, a 505  
docket, and other records that the court, by rule, requires, all 506  
of which shall be the public records of the court. In the docket, 507  
the clerk shall enter, at the time of the commencement of an 508  
action, the names of the parties in full, the names of the 509  
counsel, and the nature of the proceedings. Under proper dates, 510  
the clerk shall note the filing of the complaint, issuing of 511  
summons or other process, returns, and any subsequent pleadings. 512  
The clerk also shall enter all reports, verdicts, orders, 513  
judgments, and proceedings of the court, clearly specifying the 514  
relief granted or orders made in each action. The court may order 515  
an extended record of any of the above to be made and entered, 516  
under the proper action heading, upon the docket at the request of 517  
any party to the case, the expense of which record may be taxed as 518  
costs in the case or may be required to be prepaid by the party 519  
demanding the record, upon order of the court. 520

(F) The clerk of a municipal court shall receive, collect, 521  
and issue receipts for all costs, fees, fines, bail, and other 522  
moneys payable to the office or to any officer of the court. The 523  
clerk shall on or before the twentieth day of each month disburse 524  
to the proper persons or officers, and take receipts for, all 525  
costs, fees, fines, bail, and other moneys that the clerk 526  
collects. Subject to sections 307.515 and 4511.193 of the Revised 527  
Code and to any other section of the Revised Code that requires a 528  
specific manner of disbursement of any moneys received by a 529

municipal court and except for the Hamilton county, Lawrence 530  
county, and Ottawa county municipal courts, the clerk shall pay 531  
all fines received for violation of municipal ordinances into the 532  
treasury of the municipal corporation the ordinance of which was 533  
violated and shall pay all fines received for violation of 534  
township resolutions adopted pursuant to section 503.52 or 503.53 535  
or Chapter 504. of the Revised Code into the treasury of the 536  
township the resolution of which was violated. Subject to sections 537  
1901.024 and 4511.193 of the Revised Code, in the Hamilton county, 538  
Lawrence county, and Ottawa county municipal courts, the clerk 539  
shall pay fifty per cent of the fines received for violation of 540  
municipal ordinances and fifty per cent of the fines received for 541  
violation of township resolutions adopted pursuant to section 542  
503.52 or 503.53 or Chapter 504. of the Revised Code into the 543  
treasury of the county. Subject to sections 307.515, 4511.19, and 544  
5503.04 of the Revised Code and to any other section of the 545  
Revised Code that requires a specific manner of disbursement of 546  
any moneys received by a municipal court, the clerk shall pay all 547  
fines collected for the violation of state laws into the county 548  
treasury. Except in a county-operated municipal court, the clerk 549  
shall pay all costs and fees the disbursement of which is not 550  
otherwise provided for in the Revised Code into the city treasury. 551  
The clerk of a county-operated municipal court shall pay the costs 552  
and fees the disbursement of which is not otherwise provided for 553  
in the Revised Code into the county treasury. Moneys deposited as 554  
security for costs shall be retained pending the litigation. The 555  
clerk shall keep a separate account of all receipts and 556  
disbursements in civil and criminal cases, which shall be a 557  
permanent public record of the office. On the expiration of the 558  
term of the clerk, the clerk shall deliver the records to the 559  
clerk's successor. The clerk shall have other powers and duties as 560  
are prescribed by rule or order of the court. 561

(G) All moneys paid into a municipal court shall be noted on 562

the record of the case in which they are paid and shall be 563  
deposited in a state or national bank, or a domestic savings and 564  
loan association, as defined in section 1151.01 of the Revised 565  
Code, that is selected by the clerk. Any interest received upon 566  
the deposits shall be paid into the city treasury, except that, in 567  
a county-operated municipal court, the interest shall be paid into 568  
the treasury of the county in which the court is located. 569

On the first Monday in January of each year, the clerk shall 570  
make a list of the titles of all cases in the court that were 571  
finally determined more than one year past in which there remains 572  
unclaimed in the possession of the clerk any funds, or any part of 573  
a deposit for security of costs not consumed by the costs in the 574  
case. The clerk shall give notice of the moneys to the parties who 575  
are entitled to the moneys or to their attorneys of record. All 576  
the moneys remaining unclaimed on the first day of April of each 577  
year shall be paid by the clerk to the city treasurer, except 578  
that, in a county-operated municipal court, the moneys shall be 579  
paid to the treasurer of the county in which the court is located. 580  
The treasurer shall pay any part of the moneys at any time to the 581  
person who has the right to the moneys upon proper certification 582  
of the clerk. 583

(H) Deputy clerks of a municipal court other than the Carroll 584  
county municipal court may be appointed by the clerk and shall 585  
receive the compensation, payable in either biweekly installments 586  
or semimonthly installments, as determined by the payroll 587  
administrator, out of the city treasury, that the clerk may 588  
prescribe, except that the compensation of any deputy clerk of a 589  
county-operated municipal court shall be paid out of the treasury 590  
of the county in which the court is located. The judge of the 591  
Carroll county municipal court may appoint deputy clerks for the 592  
court, and the deputy clerks shall receive the compensation, 593  
payable in biweekly installments out of the county treasury, that 594

the judge may prescribe. Each deputy clerk shall take an oath of office before entering upon the duties of the deputy clerk's office and, when so qualified, may perform the duties appertaining to the office of the clerk. The clerk may require any of the deputy clerks to give bond of not less than three thousand dollars, conditioned for the faithful performance of the deputy clerk's duties.

(I) For the purposes of this section, whenever the population of the territory of a municipal court falls below one hundred thousand but not below ninety thousand, and the population of the territory prior to the most recent regular federal census exceeded one hundred thousand, the legislative authority of the municipal corporation may declare, by resolution, that the territory shall be considered to have a population of at least one hundred thousand.

(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts.

**Sec. 1901.44.** (A) If a person who has a current valid Ohio driver's or commercial driver's license or temporary instruction permit is charged with an offense in municipal court and either fails to appear in court at the required time and place to answer the charge or pleads guilty to or is found guilty of the offense and fails within the time allowed by the court to pay any fine or costs imposed by the court, the court may issue a declaration of forfeiture of the person's license or permit. Within thirty days after the issuance of a declaration of forfeiture, the court clerk shall inform the registrar of motor vehicles of the forfeiture by entering information relative to the forfeiture on a notice of forfeiture form prescribed or approved by the registrar pursuant

to division (D) of this section and sending the completed form to 626  
the registrar. The clerk also shall forward the person's license 627  
or permit, if it is in the possession of the court, to the 628  
registrar. 629

Upon receipt of a notice of forfeiture form, the registrar 630  
shall impose a class F suspension of the driver's or commercial 631  
driver's license or temporary instruction permit of the person who 632  
is the subject of the form for the period of time specified in 633  
division (B)(6) of section 4510.02 of the Revised Code. The 634  
registrar shall send written notification of the suspension to the 635  
person at the person's last known address and, if the person is in 636  
possession of the license or permit, order the person to surrender 637  
the license or permit to the registrar within forty-eight hours. 638

Neither the registrar nor any deputy registrar shall grant a 639  
valid driver's or commercial driver's license or temporary 640  
instruction permit to the person after the suspension unless the 641  
court having jurisdiction of the offense that led to the 642  
suspension orders the termination of the forfeiture. The court 643  
shall order a termination of the forfeiture if the person appears 644  
after the imposition of the suspension to answer the charge and 645  
pays any fine and costs imposed by the court or pays the fine and 646  
costs originally imposed by the court. The court shall inform the 647  
registrar of the termination of the forfeiture by entering 648  
information relative to the termination on a form prescribed or 649  
approved by the registrar pursuant to division (D) of this section 650  
and sending the completed form to the registrar. The person who is 651  
the subject of the termination shall pay to the bureau of motor 652  
vehicles a twenty-five-dollar reinstatement fee. The registrar 653  
shall deposit fifteen dollars of the fee into the state treasury 654  
to the credit of the state bureau of motor vehicles fund created 655  
by section 4501.25 of the Revised Code to cover the costs of the 656  
bureau in administering this section and shall deposit ten dollars 657

of the fee into the state treasury to the credit of the indigent 658  
defense support fund created by section 120.08 of the Revised 659  
Code. 660

(B) In addition to suspending the driver's or commercial 661  
driver's license or temporary instruction permit of the person 662  
named in a declaration of forfeiture, the registrar, upon receipt 663  
from the court clerk of the notice of forfeiture form, shall take 664  
any measures that may be necessary to ensure that neither the 665  
registrar nor any deputy registrar accepts any application for the 666  
registration or transfer of registration of any motor vehicle 667  
owned or leased by the person named in the declaration of 668  
forfeiture. However, for a motor vehicle leased by a person named 669  
in a declaration of forfeiture, the registrar shall not implement 670  
the preceding sentence until the registrar adopts procedures for 671  
that implementation under section 4503.39 of the Revised Code. The 672  
period of denial of registration or transfer shall continue until 673  
the court with jurisdiction of the offense that led to the 674  
suspension orders the termination of the forfeiture. Upon receipt 675  
by the registrar of a termination of forfeiture form, the 676  
registrar shall take any measures necessary to permit the person 677  
to register a motor vehicle owned or leased by the person or to 678  
transfer the registration of a motor vehicle owned or leased by 679  
the person, if the person later applies to register or transfer 680  
the registration of a motor vehicle and otherwise is eligible to 681  
register the motor vehicle or to transfer its registration. 682

The registrar shall not restore the person's driving or 683  
vehicle registration privileges until the person pays the 684  
reinstatement fee as provided in this section. 685

The period of denial relating to the issuance or transfer of 686  
a certificate of registration for a motor vehicle imposed pursuant 687  
to this division remains in effect until the person pays any fine 688  
and costs imposed by the court relative to the offense. 689

(C) If the court does not issue a declaration of forfeiture of a person's license under division (A) of this section, it may enter information relative to the person's failure to pay the fine or costs on a form prescribed or approved by the registrar pursuant to division (D) of this section and send the form to the registrar. Upon receipt of the form, the registrar shall take any measures necessary to ensure that neither the registrar nor any deputy registrar does either of the following: 690  
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(1) Accepts any application from the person for a driver's license, commercial driver's license, or temporary instruction permit or for a renewal of a driver's license, commercial driver's license, or temporary instruction permit until the fine or costs are paid; 698  
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(2) Accepts any application for the registration or transfer of registration of any motor vehicle owned or leased by the person. However, for a motor vehicle leased by the person, the registrar shall not implement this requirement until the registrar adopts procedures for that implementation under section 4503.39 of the Revised Code. 703  
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The period of denial relating to the issuance or renewal of a driver's license, commercial driver's license, or temporary instruction permit and the issuance or transfer of a certificate of registration for a motor vehicle imposed under division (C) of this section remains in effect until the person pays any fine or costs imposed by the court relative to the offense. When the fine or costs have been paid in full, the court shall inform the registrar of the payment by entering information relative to the payment on a notice of payment form prescribed or approved by the registrar pursuant to division (D) of this section and sending the form to the registrar. 709  
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(D) The registrar shall prescribe and make available to municipal courts forms to be used for a notice of forfeiture and a 720  
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notice of termination under division (A) of this section and a 722  
notice of failure to pay fines or costs and a notice of payment of 723  
fines or costs under division (C) of this section. The registrar 724  
may approve the use of other forms for these purposes. 725

The registrar may require that any of the forms prescribed or 726  
approved pursuant to this section be transmitted to the registrar 727  
electronically. If the registrar requires electronic transmission, 728  
the registrar shall not be required to give effect to any form 729  
that is not transmitted electronically. 730

**Sec. 1905.202.** (A) If a person who has a current valid Ohio 731  
driver's or commercial driver's license or temporary instruction 732  
permit is charged with an offense in mayor's court and either 733  
fails to appear in court at the required time and place to answer 734  
the charge or pleads guilty to or is found guilty of the offense 735  
and fails within the time allowed by the court to pay any fine or 736  
costs imposed by the court, the court may issue a declaration of 737  
forfeiture of the person's license or permit. Within thirty days 738  
after the issuance of a declaration of forfeiture, the court clerk 739  
shall inform the registrar of motor vehicles of the forfeiture by 740  
entering information relative to the forfeiture on a notice of 741  
forfeiture form prescribed or approved by the registrar pursuant 742  
to division (D) of this section and sending the completed form to 743  
the registrar. The clerk also shall forward the person's license 744  
or permit, if it is in the possession of the court, to the 745  
registrar. 746

Upon receipt of a notice of forfeiture form, the registrar 747  
shall impose a class F suspension of the driver's or commercial 748  
driver's license or temporary instruction permit of the person who 749  
is the subject of the form for the period of time specified in 750  
division (B)(6) of section 4510.02 of the Revised Code. The 751  
registrar shall send written notification of the suspension to the 752



person at the person's last known address and, if the person is in possession of the license or permit, order the person to surrender the license or permit to the registrar within forty-eight hours. 753  
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Neither the registrar nor any deputy registrar shall grant a valid driver's or commercial driver's license or temporary instruction permit to the person after the suspension unless the court having jurisdiction of the offense that led to the suspension orders the termination of the forfeiture. The court shall order a termination of the forfeiture if the person appears after the imposition of the suspension to answer the charge and pays any fine and costs imposed by the court or pays the fine and costs originally imposed by the court. The court shall inform the registrar of the termination of the forfeiture by entering information relative to the termination on a form prescribed or approved by the registrar pursuant to division (D) of this section and sending the completed form to the registrar. The person who is the subject of the termination shall pay to the bureau of motor vehicles a twenty-five-dollar reinstatement fee. The registrar shall deposit fifteen dollars of the fee into the state treasury to the credit of the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code to cover the costs of the bureau in administering this section and shall deposit ten dollars of the fee into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code. 756  
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(B) In addition to suspending the driver's or commercial driver's license or temporary instruction permit of the person named in a declaration of forfeiture, the registrar, upon receipt from the court clerk of the notice of forfeiture form, shall take any measures that may be necessary to ensure that neither the registrar nor any deputy registrar accepts any application for the registration or transfer of registration of any motor vehicle 778  
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owned or leased by the person named in the declaration of 785  
forfeiture. However, for a motor vehicle leased by a person named 786  
in a declaration of forfeiture, the registrar shall not implement 787  
the preceding sentence until the registrar adopts procedures for 788  
that implementation under section 4503.39 of the Revised Code. The 789  
period of denial of registration or transfer shall continue until 790  
the court with jurisdiction of the offense that led to the 791  
suspension orders the termination of the forfeiture. Upon receipt 792  
by the registrar of a termination of forfeiture form, the 793  
registrar shall take any measures necessary to permit the person 794  
to register a motor vehicle owned or leased by the person or to 795  
transfer the registration of a motor vehicle owned or leased by 796  
the person, if the person later applies to register or transfer 797  
the registration of a motor vehicle and otherwise is eligible to 798  
register the motor vehicle or to transfer its registration. 799

The registrar shall not restore the person's driving or 800  
vehicle registration privileges until the person pays the 801  
reinstatement fee as provided in this section. 802

The period of denial relating to the issuance or transfer of 803  
a certificate of registration for a motor vehicle imposed pursuant 804  
to this division remains in effect until the person pays any fine 805  
and costs imposed by the court relative to the offense. 806

(C) If the court does not issue a declaration of forfeiture 807  
of a person's license under division (A) of this section, it may 808  
enter information relative to the person's failure to pay the fine 809  
or costs on a form prescribed or approved by the registrar 810  
pursuant to division (D) of this section and send the form to the 811  
registrar. Upon receipt of the form, the registrar shall take any 812  
measures necessary to ensure that neither the registrar nor any 813  
deputy registrar does either of the following: 814

(1) Accepts any application from the person for a driver's 815  
license, commercial driver's license, or temporary instruction 816

permit or for a renewal of a driver's license, commercial driver's 817  
license, or temporary instruction permit until the fine or costs 818  
are paid; 819

(2) Accepts any application for the registration or transfer 820  
of registration of any motor vehicle owned or leased by the 821  
person. However, for a motor vehicle leased by the person, the 822  
registrar shall not implement this requirement until the registrar 823  
adopts procedures for that implementation under section 4503.39 of 824  
the Revised Code. 825

The period of denial relating to the issuance or renewal of a 826  
driver's license, commercial driver's license, or temporary 827  
instruction permit and the issuance or transfer of a certificate 828  
of registration for a motor vehicle imposed under division (C) of 829  
this section remains in effect until the person pays any fine or 830  
costs imposed by the court relative to the offense. When the fine 831  
or costs have been paid in full, the court shall inform the 832  
registrar of the payment by entering information relative to the 833  
payment on a notice of payment form prescribed or approved by the 834  
registrar pursuant to division (D) of this section and sending the 835  
form to the registrar. 836

(D) The registrar shall prescribe and make available to 837  
mayor's courts forms to be used for a notice of forfeiture and a 838  
notice of termination under division (A) of this section and a 839  
notice of failure to pay fines or costs and a notice of payment of 840  
fines or costs under division (C) of this section. The registrar 841  
may approve the use of other forms for these purposes. 842

The registrar may require that any of the forms prescribed or 843  
approved pursuant to this section be transmitted to the registrar 844  
electronically. If the registrar requires electronic transmission, 845  
the registrar shall not be required to give effect to any form 846  
that is not transmitted electronically. 847

Sec. 1905.33. (A) As used in this section, "unpaid court costs, fees, or fines" means any court costs, fees, or fines that an obligor has not paid to the appropriate court at least two years after the date on which the obligor was required by the court or by a statute or rule to pay the court costs, fees, or fines. 848  
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(B) The mayor's court shall work with the tax commissioner to collect unpaid court costs, fees, or fines from refunds of state income taxes that are payable to obligors. 854  
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(C) A mayor's court may collect any unpaid court costs, fees, or fines under this section. Any reduction under section 5747.12, 5747.121, 5747.122, or 5747.123 of the Revised Code to an income tax refund shall be made before a reduction under this section. No reduction shall be made under this section if the amount of the refund is less than twenty-five dollars after any reduction under section 5747.12 of the Revised Code. A reduction under this section shall be made before any part of the refund is contributed under section 5747.113 of the Revised Code or is credited under section 5747.12 of the Revised Code against tax due in any subsequent year. 857  
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(D) The court and the tax commissioner, by rules adopted in accordance with Chapter 119. of the Revised Code, shall establish procedures to implement this section. The procedures shall provide for notice to an obligor of unpaid court costs, fees, or fines and an opportunity for the obligor to be heard before the obligor's income tax refund is reduced. 868  
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**Sec. 1907.20. (A)** The clerk of courts shall be the clerk of the county court, except that the board of county commissioners, with the concurrence of the county court judges, may appoint a clerk for each county court judge, who shall serve at the pleasure 874  
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of the board and shall receive compensation as set by the board, 878  
payable in semimonthly installments from the treasury of the 879  
county. An appointed clerk, before entering upon the duties of the 880  
office, shall give bond of not less than five thousand dollars, as 881  
determined by the board of county commissioners, conditioned upon 882  
the faithful performance of the clerk's duties. 883

The clerks of courts of common pleas, when acting as the 884  
clerks of county courts, and upon assuming their county court 885  
duties, shall receive compensation at one-fourth the rate 886  
prescribed for the clerks of courts of common pleas as determined 887  
in accordance with the population of the county and the rates set 888  
forth in sections 325.08 and 325.18 of the Revised Code. This 889  
compensation shall be paid from the county treasury in semimonthly 890  
installments and is in addition to the annual compensation 891  
received for the performance of the duties of the clerk of a court 892  
of common pleas as provided in sections 325.08 and 325.18 of the 893  
Revised Code. 894

(B) The clerk of a county court shall have general powers to 895  
administer oaths, take affidavits, and issue executions upon any 896  
judgment rendered in the county court, including a judgment for 897  
unpaid costs, power to issue and sign all writs, process, 898  
subpoenas, and papers issuing out of the court, and to attach the 899  
seal of the court to them, and power to approve all bonds, 900  
sureties, recognizances, and undertakings fixed by any judge of 901  
the court or by law. The clerk shall file and safely keep all 902  
journals, records, books, and papers belonging or appertaining to 903  
the court, record its proceedings, perform all other duties that 904  
the judges of the court may prescribe, and keep a book showing all 905  
receipts and disbursements, which shall be open for public 906  
inspection at all times. The clerk may refuse to accept for filing 907  
any pleading or paper submitted for filing by a person who has 908  
been found to be a vexatious litigator under section 2323.52 of 909

the Revised Code and who has failed to obtain leave to proceed 910  
under that section. 911

The clerk shall prepare and maintain a general index, a 912  
docket as prescribed by the court, which shall be furnished by the 913  
board of county commissioners, and such other records as the 914  
court, by rule, requires, all of which shall be the public records 915  
of the court. In the docket, the clerk shall enter at times of the 916  
commencement of an action, the names of the parties in full, the 917  
names of the counsel, and the nature of the proceedings. Under 918  
proper dates, the clerk shall note the filing of the complaint, 919  
issuing of summons or other process, returns, and pleadings 920  
subsequent thereto. The clerk also shall enter all reports, 921  
verdicts, orders, judgments, and proceedings of the court, clearly 922  
specifying the relief granted or orders made in each action. The 923  
court may order an extended record of any of the above to be made 924  
and entered, under the proper action heading, upon the docket at 925  
the request of any party to the case, the expense of which may be 926  
taxed as costs in the case or may be required to be prepaid by the 927  
party demanding the extended record, upon order of the court. 928

(C) The clerk of a county court shall receive and collect all 929  
costs, fees, fines, penalties, bail, and other moneys payable to 930  
the office or to any officer of the court and issue receipts 931  
therefor, and shall on or before the twentieth day of each month 932  
disburse the costs, fees, fines, penalties, bail, and other moneys 933  
to the proper persons or officers and take receipts therefor. 934  
Subject to sections 307.515, 4511.19, 4511.193, and 5503.04 of the 935  
Revised Code and all other statutes that require a different 936  
distribution of fines, fines received for violations of municipal 937  
ordinances shall be paid into the treasury of the municipal 938  
corporation whose ordinance was violated, fines received for 939  
violations of township resolutions adopted pursuant to section 940  
503.52 or 503.53 or Chapter 504. of the Revised Code shall be paid 941

into the treasury of the township whose resolution was violated, 942  
and fines collected for the violation of state laws shall be paid 943  
into the county treasury. Moneys deposited as security for costs 944  
shall be retained pending the litigation. 945

The clerk shall keep a separate account of all receipts and 946  
disbursements in civil and criminal cases. The separate account 947  
shall be a permanent public record of the office. On the 948  
expiration of a clerk's term, those records shall be delivered to 949  
the clerk's successor. 950

The clerk shall have such other powers and duties as are 951  
prescribed by rule or order of the court. 952

(D) All moneys paid into a county court shall be noted on the 953  
record of the case in which they are paid and shall be deposited 954  
in a state or national bank selected by the clerk. On the first 955  
Monday in January of each year, the clerk shall make a list of the 956  
titles of all cases in the county court that were finally 957  
determined more than one year past in which there remains 958  
unclaimed in the possession of the clerk any funds, or any part of 959  
a deposit for security of costs not consumed by the costs in the 960  
case. The clerk shall give notice of the moneys to the parties 961  
entitled to them or to their attorneys of record. All the moneys 962  
remaining unclaimed on the first day of April of each year shall 963  
be paid by the clerk to the county treasurer. Any part of the 964  
moneys shall be paid by the county treasurer at any time to the 965  
person having the right to them, upon proper certification of the 966  
clerk. 967

(E)(1) In county court districts having appointed clerks, 968  
deputy clerks may be appointed by the board of county 969  
commissioners. Clerks and deputy clerks shall receive such 970  
compensation payable in semimonthly installments out of the county 971  
treasury as the board may prescribe. Each deputy clerk shall take 972  
an oath of office before entering upon the duties of the deputy 973

clerk's office and, when so qualified, may perform the duties 974  
appertaining to the office of the clerk. The clerk may require any 975  
of the deputy clerks to give bond of not less than three thousand 976  
dollars, conditioned for the faithful performance of the deputy 977  
clerk's duties. 978

(2) A clerk of courts acting as clerk of the county court may 979  
appoint deputy clerks to perform the duties pertaining to the 980  
office of clerk of the county court. Each deputy clerk shall take 981  
an oath of office before entering upon the deputy clerk's duties, 982  
and the clerk of courts may require the deputy clerk to give bond 983  
of not less than three thousand dollars, conditioned for the 984  
faithful performance of the deputy clerk's duties. 985

(3) The clerk or a deputy clerk of a county court shall be in 986  
attendance at all sessions of the court, although not necessarily 987  
in the courtroom, and may administer oaths to witnesses and jurors 988  
and receive verdicts. 989

(F)(1) In county court districts having appointed clerks, the 990  
board of county commissioners may order the establishment of one 991  
or more branch offices of the clerk and, with the concurrence of 992  
the county judges, may appoint a special deputy clerk to 993  
administer each branch office. Each special deputy clerk shall 994  
take an oath of office before entering upon the duties of the 995  
deputy clerk's office and, when so qualified, may perform any one 996  
or more of the duties appertaining to the office of clerk, as the 997  
board prescribes. Special deputy clerks shall receive such 998  
compensation payable in semimonthly installments out of the county 999  
treasury as the board may prescribe. The board may require any of 1000  
the special deputy clerks to give bond of not less than three 1001  
thousand dollars, conditioned for the faithful performance of the 1002  
deputy clerk's duties. 1003

The board of county commissioners may authorize the clerk of 1004  
the county court to operate one or more branch offices, to divide 1005



the clerk's time between the offices, and to perform duties 1006  
appertaining to the office of clerk in locations that the board 1007  
prescribes. 1008

(2) A clerk of courts acting as clerk of the county court may 1009  
establish one or more branch offices for the clerk's duties as 1010  
clerk of the county court and, with the concurrence of the county 1011  
court judges, may appoint a special deputy clerk to administer 1012  
each branch office. Each special deputy clerk shall take an oath 1013  
of office before entering upon the deputy clerk's duties and, when 1014  
so qualified, may perform any of the duties pertaining to the 1015  
office of clerk, as the clerk of courts prescribes. The clerk of 1016  
courts may require any of the special deputy clerks to give bond 1017  
of not less than three thousand dollars, conditioned for the 1018  
faithful performance of the deputy clerk's duties. 1019

(G) The clerk of courts of the county shall fix the 1020  
compensation of deputy clerks and special deputy clerks appointed 1021  
by the clerk pursuant to this section. Those personnel shall be 1022  
paid and be subject to the same requirements as other employees of 1023  
the clerk under the provisions of section 325.17 of the Revised 1024  
Code insofar as that section is applicable. 1025

Sec. 1907.25. (A) If a person who has a current valid Ohio 1026  
driver's or commercial driver's license or temporary instruction 1027  
permit is charged with an offense in county court and either fails 1028  
to appear in court at the required time and place to answer the 1029  
charge or pleads guilty to or is found guilty of the offense and 1030  
fails within the time allowed by the court to pay any fine or 1031  
costs imposed by the court, the court may issue a declaration of 1032  
forfeiture of the person's license or permit. Within thirty days 1033  
after the issuance of a declaration of forfeiture, the court clerk 1034  
shall inform the registrar of motor vehicles of the forfeiture by 1035  
entering information relative to the forfeiture on a notice of 1036

forfeiture form prescribed or approved by the registrar pursuant 1037  
to division (D) of this section and sending the completed form to 1038  
the registrar. The clerk also shall forward the person's license 1039  
or permit, if it is in the possession of the court, to the 1040  
registrar. 1041

Upon receipt of a notice of forfeiture form, the registrar 1042  
shall impose a class F suspension of the driver's or commercial 1043  
driver's license or temporary instruction permit of the person who 1044  
is the subject of the form for the period of time specified in 1045  
division (B)(6) of section 4510.02 of the Revised Code. The 1046  
registrar shall send written notification of the suspension to the 1047  
person at the person's last known address and, if the person is in 1048  
possession of the license or permit, order the person to surrender 1049  
the license or permit to the registrar within forty-eight hours. 1050

Neither the registrar nor any deputy registrar shall grant a 1051  
valid driver's or commercial driver's license or temporary 1052  
instruction permit to the person after the suspension unless the 1053  
court having jurisdiction of the offense that led to the 1054  
suspension orders the termination of the forfeiture. The court 1055  
shall order a termination of the forfeiture if the person appears 1056  
after the imposition of the suspension to answer the charge and 1057  
pays any fine and costs imposed by the court or pays the fine and 1058  
costs originally imposed by the court. The court shall inform the 1059  
registrar of the termination of the forfeiture by entering 1060  
information relative to the termination on a form prescribed or 1061  
approved by the registrar pursuant to division (D) of this section 1062  
and sending the completed form to the registrar. The person who is 1063  
the subject of the termination shall pay to the bureau of motor 1064  
vehicles a twenty-five-dollar reinstatement fee. The registrar 1065  
shall deposit fifteen dollars of the fee into the state treasury 1066  
to the credit of the state bureau of motor vehicles fund created 1067  
by section 4501.25 of the Revised Code to cover the costs of the 1068

bureau in administering this section and shall deposit ten dollars 1069  
of the fee into the state treasury to the credit of the indigent 1070  
defense support fund created by section 120.08 of the Revised 1071  
Code. 1072

(B) In addition to suspending the driver's or commercial 1073  
driver's license or temporary instruction permit of the person 1074  
named in a declaration of forfeiture, the registrar, upon receipt 1075  
from the court clerk of the notice of forfeiture form, shall take 1076  
any measures that may be necessary to ensure that neither the 1077  
registrar nor any deputy registrar accepts any application for the 1078  
registration or transfer of registration of any motor vehicle 1079  
owned or leased by the person named in the declaration of 1080  
forfeiture. However, for a motor vehicle leased by a person named 1081  
in a declaration of forfeiture, the registrar shall not implement 1082  
the preceding sentence until the registrar adopts procedures for 1083  
that implementation under section 4503.39 of the Revised Code. The 1084  
period of denial of registration or transfer shall continue until 1085  
the court with jurisdiction of the offense that led to the 1086  
suspension orders the termination of the forfeiture. Upon receipt 1087  
by the registrar of a termination of forfeiture form, the 1088  
registrar shall take any measures necessary to permit the person 1089  
to register a motor vehicle owned or leased by the person or to 1090  
transfer the registration of a motor vehicle owned or leased by 1091  
the person, if the person later applies to register or transfer 1092  
the registration of a motor vehicle and otherwise is eligible to 1093  
register the motor vehicle or to transfer its registration. 1094

The registrar shall not restore the person's driving or 1095  
vehicle registration privileges until the person pays the 1096  
reinstatement fee as provided in this section. 1097

The period of denial relating to the issuance or transfer of 1098  
a certificate of registration for a motor vehicle imposed pursuant 1099  
to this division remains in effect until the person pays any fine 1100

and costs imposed by the court relative to the offense. 1101

(C) If the court does not issue a declaration of forfeiture 1102  
of a person's license under division (A) of this section, it may 1103  
enter information relative to the person's failure to pay the fine 1104  
or costs on a form prescribed or approved by the registrar 1105  
pursuant to division (D) of this section and send the form to the 1106  
registrar. Upon receipt of the form, the registrar shall take any 1107  
measures necessary to ensure that neither the registrar nor any 1108  
deputy registrar does either of the following: 1109

(1) Accepts any application from the person for a driver's 1110  
license, commercial driver's license, or temporary instruction 1111  
permit or for a renewal of a driver's license, commercial driver's 1112  
license, or temporary instruction permit until the fine or costs 1113  
are paid; 1114

(2) Accepts any application for the registration or transfer 1115  
of registration of any motor vehicle owned or leased by the 1116  
person. However, for a motor vehicle leased by the person, the 1117  
registrar shall not implement this requirement until the registrar 1118  
adopts procedures for that implementation under section 4503.39 of 1119  
the Revised Code. 1120

The period of denial relating to the issuance or renewal of a 1121  
driver's license, commercial driver's license, or temporary 1122  
instruction permit and the issuance or transfer of a certificate 1123  
of registration for a motor vehicle imposed under division (C) of 1124  
this section remains in effect until the person pays any fine or 1125  
costs imposed by the court relative to the offense. When the fine 1126  
or costs have been paid in full, the court shall inform the 1127  
registrar of the payment by entering information relative to the 1128  
payment on a notice of payment form prescribed or approved by the 1129  
registrar pursuant to division (D) of this section and sending the 1130  
form to the registrar. 1131

(D) The registrar shall prescribe and make available to 1132  
county courts forms to be used for a notice of forfeiture and a 1133  
notice of termination under division (A) of this section and a 1134  
notice of failure to pay fines or costs and a notice of payment of 1135  
fines or costs under division (C) of this section. The registrar 1136  
may approve the use of other forms for these purposes. 1137

The registrar may require that any of the forms prescribed or 1138  
approved pursuant to this section be transmitted to the registrar 1139  
electronically. If the registrar requires electronic transmission, 1140  
the registrar shall not be required to give effect to any form 1141  
that is not transmitted electronically. 1142

**Sec. 1907.26.** Judges of a county court shall not retain any 1143  
of the costs or fees specified in the schedules adopted pursuant 1144  
to section 1907.24 of the Revised Code nor shall they retain a fee 1145  
for performing a marriage ceremony. Those costs and fees that 1146  
cannot be retained shall be transmitted to the general fund of the 1147  
county on or before the ~~first business~~ twentieth day of each 1148  
month. 1149

**Sec. 1907.261.** (A)(1) A county court may determine that for 1150  
the efficient operation of the court additional funds are required 1151  
to computerize the court, to make available computerized legal 1152  
research services, or to do both. Upon making a determination that 1153  
additional funds are required for either or both of those 1154  
purposes, the court shall include in its schedule of fees and 1155  
costs under section 1907.24 of the Revised Code one additional fee 1156  
not to exceed three dollars on the filing of each cause of action 1157  
or appeal equivalent to one described in division (A), (Q), or (U) 1158  
of section 2303.20 of the Revised Code and shall direct the clerk 1159  
of the court to charge the fee. 1160

(2) All fees collected under this section shall be paid on or 1161

before the twentieth day of each month to the county treasurer. 1162  
The treasurer shall place the funds from the fees in a separate 1163  
fund to be disbursed upon an order of the court in an amount not 1164  
greater than the actual cost to the court of computerizing the 1165  
court, procuring and maintaining computerized legal research 1166  
services, or both. 1167

(3) If the court determines that the funds in the fund 1168  
described in division (A)(2) of this section are more than 1169  
sufficient to satisfy the purpose for which the additional fee 1170  
described in division (A)(1) of this section was imposed, the 1171  
court may declare a surplus in the fund and expend those surplus 1172  
funds for other appropriate technological expenses of the court. 1173

(B)(1) A county court may determine that, for the efficient 1174  
operation of the court, additional funds are required to 1175  
computerize the office of the clerk of the court and, upon that 1176  
determination, may include in its schedule of fees and costs under 1177  
section 1907.24 of the Revised Code an additional fee not to 1178  
exceed ten dollars on the filing of each cause of action or 1179  
appeal, on the filing, docketing, and endorsing of each 1180  
certificate of judgment, or on the docketing and indexing of each 1181  
aid in execution or petition to vacate, revive, or modify a 1182  
judgment that is equivalent to one described in division (A), (P), 1183  
(Q), (T), or (U) of section 2303.20 of the Revised Code. Subject 1184  
to division (B)(2) of this section, all moneys collected under 1185  
division (B)(1) of this section shall be paid on or before the 1186  
twentieth day of each month to the county treasurer. The treasurer 1187  
shall place the funds from the fees in a separate fund to be 1188  
disbursed, upon an order of the county court and subject to an 1189  
appropriation by the board of county commissioners, in an amount 1190  
no greater than the actual cost to the court of procuring and 1191  
maintaining computer systems for the office of the clerk of the 1192  
county court. 1193

(2) If a county court makes the determination described in 1194  
division (B)(1) of this section, the board of county commissioners 1195  
of that county may issue one or more general obligation bonds for 1196  
the purpose of procuring and maintaining the computer systems for 1197  
the office of the clerk of the county court. In addition to the 1198  
purposes stated in division (B)(1) of this section for which the 1199  
moneys collected under that division may be expended, the moneys 1200  
additionally may be expended to pay debt charges and financing 1201  
costs related to any general obligation bonds issued pursuant to 1202  
division (B)(2) of this section as they become due. General 1203  
obligation bonds issued pursuant to division (B)(2) of this 1204  
section are Chapter 133. securities. 1205

Sec. 1907.263. (A) As used in this section, "unpaid court 1206  
costs, fees, or fines" means any court costs, fees, or fines that 1207  
an obligor has not paid to the appropriate court at least two 1208  
years after the date on which the obligor was required by the 1209  
court or by a statute or rule to pay the court costs, fees, or 1210  
fines. 1211

(B) The county court shall work with the tax commissioner to 1212  
collect unpaid court costs, fees, or fines from refunds of state 1213  
income taxes that are payable to obligors. 1214

(C) A county court may collect any unpaid court costs, fees, 1215  
or fines under this section. Any reduction under section 5747.12, 1216  
5747.121, 5747.122, or 5747.123 of the Revised Code to an income 1217  
tax refund shall be made before a reduction under this section. No 1218  
reduction shall be made under this section if the amount of the 1219  
refund is less than twenty-five dollars after any reduction under 1220  
section 5747.12 of the Revised Code. A reduction under this 1221  
section shall be made before any part of the refund is contributed 1222  
under section 5747.113 of the Revised Code or is credited under 1223  
section 5747.12 of the Revised Code against tax due in any 1224

subsequent year. 1225

(D) The court and the tax commissioner, by rules adopted in 1226  
accordance with Chapter 119. of the Revised Code, shall establish 1227  
procedures to implement this section. The procedures shall provide 1228  
for notice to an obligor of unpaid court costs, fees, or fines and 1229  
an opportunity for the obligor to be heard before the obligor's 1230  
income tax refund is reduced. 1231

**Sec. 2303.203.** (A) There is hereby created the committee on 1232  
court costs, consisting of the following ten members: 1233

(1) Two members of the public appointed by the speaker of the 1234  
house of representatives; 1235

(2) Two members of the public appointed by the president of 1236  
the senate; 1237

(3) One member of the public appointed by the chief justice 1238  
of the Ohio supreme court; 1239

(4) One municipal clerk of court appointed by the Ohio 1240  
association of municipal/county court clerks; 1241

(5) One clerk of the court of common pleas appointed by the 1242  
Ohio clerk of courts association; 1243

(6) One municipal judge appointed by the association of 1244  
municipal/county judges of Ohio; 1245

(7) One judge of the court of common pleas appointed by the 1246  
Ohio common pleas judges association; 1247

(8) One court administrator appointed by the Ohio association 1248  
for court administration. 1249

(B) The appointments to the committee shall be made not later 1250  
than ninety days after the effective date of this section. 1251  
Vacancies on the committee shall be filled in the manner provided 1252  
for the original appointments. 1253



(C) The terms of office of the members of the committee shall 1254  
be two years. 1255

(D) The committee shall select the chairperson and 1256  
vice-chairperson of the committee. 1257

(E) The committee shall meet annually at a time and place to 1258  
be determined by the members of the committee. The members of the 1259  
committee shall serve without compensation. 1260

(F) The committee shall study the impact of court costs on 1261  
court operations. Based on the committee's findings, the committee 1262  
shall prepare recommendations for any changes that the committee 1263  
believes are necessary to the current system for court costs. 1264

(G) The committee shall submit written findings and 1265  
recommendations to the chief justice of the Ohio supreme court, 1266  
the governor, the speaker of the house of representatives, and the 1267  
president of the senate. 1268

**Sec. 4503.39.** With regard to a motor vehicle leased by or in 1269  
the name of a person named in a suspension order or who is 1270  
precluded from registering or transferring registration of a motor 1271  
vehicle because of a failure to pay a fine or court costs, the 1272  
registrar of motor vehicles shall adopt procedures as indicated in 1273  
division (C)(2) of section 1901.44, division (C)(2) of section 1274  
1905.202, division (C)(2) of section 1907.25, division (D) of 1275  
section 2935.27, division (A) of section 2937.221, and division 1276  
(B) of section 4510.22 of the Revised Code. The procedures shall 1277  
prescribe the information and methodology necessary to implement 1278  
those divisions. 1279

**Sec. 5747.124.** (A) The tax commissioner, in accordance with 1280  
sections 1901.263, 1905.33, and 1907.263 of the Revised Code, 1281  
shall cooperate with municipal courts, mayor's courts, and county 1282  
courts to collect unpaid court costs, fees, or fines imposed by 1283

those courts from refunds of state income taxes that are payable 1284  
to the obligors of those unpaid court costs, fees, or fines. 1285

(B) At the request of a municipal court, mayor's court, or 1286  
county court in connection with the collection of unpaid court 1287  
costs, fees, or fines from a refund of state income tax returns 1288  
pursuant to this section and section 1901.263, 1905.33, or 1289  
1907.263 of the Revised Code, the tax commissioner shall release 1290  
to the court the home address and social security number of any 1291  
obligor of unpaid court costs, fees, or fines whose nonpayment of 1292  
those court costs, fees, or fines may be collected from a refund 1293  
of state income taxes under those sections. 1294

(C) In the case of a joint income tax return for two people 1295  
who were not married to each other at the time one of them had not 1296  
paid any court costs, fees, or fines imposed by the court, only 1297  
the portion of a refund that is due to the obligor of the court 1298  
costs, fees, or fines shall be available for collection of the 1299  
unpaid court costs, fees, or fines under this section and section 1300  
1901.263, 1905.33, or 1907.263 of the Revised Code. The tax 1301  
commissioner shall determine that portion. An obligor's spouse who 1302  
objects to the portion as determined by the commissioner may file 1303  
a complaint with the commissioner within twenty-one days after 1304  
receiving notice of the collection, and the commissioner shall 1305  
afford the spouse an opportunity to be heard on the complaint. The 1306  
commissioner shall waive or extend the twenty-one-day period if 1307  
the obligor's spouse establishes that such action is necessary to 1308  
avoid unjust, unfair, or unreasonable results. After the hearing, 1309  
the commissioner shall make a final determination of the portion 1310  
of the refund available for collection of unpaid court costs, 1311  
fees, or fines. 1312

**Section 2.** That existing sections 1901.261, 1901.31, 1907.20, 1313  
1907.26, 1907.261, and 4503.39 of the Revised Code are hereby 1314

repealed. 1315

**Section 3.** Section 1901.31 of the Revised Code is presented 1316  
in this act as a composite of the section as amended by Am. Sub. 1317  
H.B. 48, Am. Sub. H.B. 238, and Sub. H.B. 338, all of the 128th 1318  
General Assembly. The General Assembly, applying the principle 1319  
stated in division (B) of section 1.52 of the Revised Code that 1320  
amendments are to be harmonized if reasonably capable of 1321  
simultaneous operation, finds that the composite is the resulting 1322  
version of the section in effect prior to the effective date of 1323  
the section as presented in this act. 1324