



## **H.B. 35**

124th General Assembly  
(As Passed by the General Assembly)

**Reps.** Grendell, Jolivette, Seitz, Willamowski, Callender, Salerno, DePiero, Latta, Manning, Sulzer, Jones, Jerse, Core, Carey, Stapleton, Damschroder, DeWine, Husted, Schmidt, Hughes, Hoops, Redfern, Flannery, Collier

**Sens.** Jacobson, Espy, Prentiss

Effective date: \*

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### **ACT SUMMARY**

- Exempts an administrative-related appeal of a final order that is not for the payment of money from the statutory requirement that the appellant give a supersedeas bond.

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### **CONTENT AND OPERATION**

#### **Administrative-related appeal; supersedeas bond**

##### **Continuing law**

**Supersedeas bond requirement.** With certain exemptions specified or implied in the General Appeal Law, an administrative-related appeal is not effective as an appeal upon *questions of law and fact* until the final order appealed is superseded by a bond and unless the bond is filed at the time the notice of appeal is required to be filed (R.C. 2505.06--not in the act). The amount of the supersedeas bond is a sum that is not less than the amount of the final order and interest involved, if applicable, and that is directed by the court to which the appeal is taken. A supersedeas bond is payable to the appellee or otherwise as may be directed by the court if the conflicting interests of the parties require it, is subject to the condition that the appellant must abide and perform the order, judgment, or decree of the appellate court and pay all money, costs, and damages

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

that may be required of or awarded against the appellant upon the final determination of the appeal, and is subject to any other conditions that the court provides. If the final order, judgment, or decree appealed is for the payment of money, the bond may provide that, if the final order, judgment, or decree is not paid upon final affirmance, it may be entered against the sureties on the bond. (R.C. 2505.09 and 2505.14--not in the act.)

**Exemptions.** Continuing law exempts certain appellants from the requirement to give a supersedeas bond in connection with *any* appeal, as follows (R.C. 2505.12):

(1) Executors, administrators, guardians, receivers, trustees, or trustees in bankruptcy, who are acting in their respective trust capacities and who have given bond in this state, with surety according to law;

(2) The state or any political subdivision of the state;

(3) Any public officer of the state or of any of its political subdivisions who is suing or is sued solely in the officer's representative capacity as such officer.

**Operation of the act**

The act continues the exemptions from the requirement that an appellant give a supersedeas bond and additionally exempts from that requirement an administrative-related appeal of a final order that is *not for the payment of money* (R.C. 2505.12(B)).

**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-31-01	p. 99
Reported, H. Civil & Commercial Law	02-22-01	p. 175
Passed House (97-0)	02-27-01	pp. 185-186
Reported, S. Judiciary, Civil Justice	03-21-01	p. 231
Passed Senate (33-0)	03-27-01	p. 246

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