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## JUDICIARY-SUPREME COURT

### Court electronic filings and computerization fees

- Allows electronic filing of pleadings or documents in municipal and county courts.
- Allows municipal and county courts to increase their additional fees to cover office computerization costs from \$10 to \$20.

### Appointment of nonresident fiduciaries

- Permits a private trust company or family trust company organized under the laws of any state to be appointed as:
  - A nonresident executor or trustee who is named in, or nominated pursuant to, a will; or
  - A nonresident ancillary administrator who is named in the will, or nominated in accordance with any power of nomination conferred in the will, of a nonresident decedent, as a general executor of the decedent's estate or as executor of the portion of the decedent's estate located in Ohio.
- Authorizes a court to require a nonresident private trust company or family trust company appointed as described above to appoint a resident agent to accept service of process, notices, and other documents.

### Exclusion of local court fees

- Requires that a petition for a certificate of qualification for employment or an application for sealing or expungement of conviction records must be accompanied by a \$50 fee, excluding local court fees.

### Liquefied gas

- Exempts a liquefied petroleum gas supplier for damages based on a product liability claim in listed circumstances unless the product liability claim was caused in whole or in part by intentional misconduct by the supplier.
- Presumes a user of liquefied petroleum gas is aware of the inherent dangerous characteristics of liquefied petroleum gas.
- Finds, as a matter of public policy, that liquefied petroleum gas, without modification, is not a defective product.
- Defines "liquid petroleum gas," "liquefied petroleum gas equipment," "liquefied petroleum gas supplier," and "use of liquefied petroleum gas."

## **Court electronic filings and computerization fees**

(R.C. 1901.261, 1901.313, 1907.202, 1907.261, and 2303.081)

The bill permits pleadings or documents to be filed with county and municipal clerks of court either in paper format or electronic format. Additionally, the bill specifies that such pleadings or documents filed in paper format may be converted to an electronic format, and permits documents created by a county or municipal clerk in the exercise of the clerk's duties to be created in an electronic format. Finally, the bill specifies that, in county and municipal courts, when pleadings or documents are received or created in, or converted to, an electronic format, the pleadings or documents in that format must be considered the official version of the record. These new provisions that the bill applies to county and municipal courts regarding electronic filing of pleadings or documents already apply to courts of common pleas under existing law.

Applicable to municipal, county, and common pleas courts, the bill specifies that the clerk must determine whether the filing of pleadings or documents in electronic format may be accomplished either by electronic mail or through the use of an online platform. The fee for filing pleadings or documents in electronic format may be paid after the filing. The clerk cannot require that any fee for the filing of pleadings or documents in electronic format be paid before the filing, unless the clerk has provided for an electronic payment system for such filing. Finally, the clerk cannot require a fee for the filing of pleadings or documents in electronic format that exceeds the applicable fee for the filing of pleadings or documents in paper format. However, the bill specifies that the provisions described in this paragraph do not apply to the filing of pleadings or documents in a probate court or juvenile court.

The bill also permits municipal and county courts to increase the maximum amount of their additional fees from \$10 to \$20 to cover the computerization of the clerk's office.

## **Appointment of nonresident fiduciaries**

(R.C. 2109.21)

Under current law, in order to qualify for appointment as: (a) a nonresident executor or trustee named in, or nominated pursuant to, a will, or (b) a nonresident ancillary administrator who is named in the will, or who is nominated in accordance with any power of nomination conferred in the will, of a nonresident decedent, as a general executor of the decedent's estate, or as executor of the portion of the decedent's estate located in Ohio, the person must be either:

1. An individual who is related to the testator by consanguinity or affinity; or
2. A person who resides in a state that has statutes or rules authorizing the appointment of a nonresident person who is not related to the testator by consanguinity or affinity, as: (a) an executor or trustee when named in, or nominated pursuant to, a will, or (b) as an ancillary administrator when the nonresident is named in a will, or nominated in accordance with any power of nomination conferred in a will, of a nonresident decedent.

The bill expands the above types of persons who would qualify for appointment as such nonresident executor or trustee or nonresident ancillary administrator, to include a private trust company or family trust company organized under the laws of any state.

The bill permits a court to require such private trust company or family trust company to appoint a resident agent to accept service of process, notices, and other documents.

### **Applicability of current law**

The following provisions in current law would apply to a private trust company or family trust company appointed under the bill as nonresident executor or trustee:

- No such executor or trustee can be refused appointment or removed solely because the executor or trustee is not an Ohio resident.
- The court may require that a nonresident executor or trustee named in, or nominated pursuant to, a will assure that all of the decedent's assets that are in the county at the time of the death will remain in the county until distribution or until the court determines that the assets may be removed from the county.

The following provisions in current law would apply to a private trust company or family trust company who qualifies for appointment under the bill as a nonresident ancillary administrator:

- The court must not refuse to appoint the person, and must not remove the person, as ancillary administrator solely because the person is not an Ohio resident.
- The court may require that such ancillary administrator assure that all of the assets of the decedent that are in the county at the time of the decedent's death remain in the county until distribution or until the court determines that the assets may be removed from the county.

## **Exclusion of local court fees**

### **Certificate of qualification for employment**

(R.C. 2953.25)

The bill stipulates that the fee for a petition for a certificate of qualification for employment, which may be up to \$50, excludes local court fees. Under current law, the up to \$50 fee includes local court fees. Under continuing law, part or all of the application fee may be waived for an applicant who presents a poverty affidavit showing the applicant is indigent.

### **Application for sealing or expungement of conviction records**

(R.C. 2953.32)

The bill stipulates that the fee for an application to seal or expunge conviction records, which may be up to \$50, excludes local court fees. Under current law, the up to \$50 fee includes local court fees. Under continuing law, the application fee may be waived for an applicant who presents a poverty affidavit showing the applicant is indigent.

## Liquefied gas

(R.C. 2307.781)

The bill exempts a liquefied petroleum gas supplier from liability for damages based on a product liability claim arising from:

- The installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person other than the liquefied petroleum gas supplier, unless the supplier had received written notification or other actual knowledge of the installation, modification, repair, or servicing at least 30 days before it occurred.
- The use or operation of liquefied petroleum gas equipment in a manner or for a purpose other than that for which it was intended.
- The installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, who is not certified or licensed to install, modify, repair, or service that equipment.
- The installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, that did not conform to the warning or instruction of the manufacturer of the equipment.
- Use that complied with listed legal requirements.

The exemptions do not apply in situations where the product liability claim was caused in whole or in part by intentional misconduct by the liquefied petroleum gas supplier.

The bill includes the presumption that a user of liquefied petroleum gas is aware of the inherent dangerous characteristics of liquefied petroleum gas, and does not require a liquefied petroleum gas supplier to provide a warning regarding liquefied petroleum gas except as specified in the Revised Code or Administrative Code.

The bill states that, as a matter of public policy, the General Assembly finds that liquefied petroleum gas, without modification, is not a defective product.

The bill defines the following terms:

- **“Liquid petroleum gas”** means a material with a vapor pressure not exceeding that of commercial propane composed predominately of the following hydrocarbons or mixtures: propane; propylene; butane; butylene.
- **“Liquefied petroleum gas equipment”** means a liquefied petroleum gas appliance, or any equipment, tank, pipe, regulator, control, valve, fitting, or other equipment or device intended to be used in connection with or to supply liquefied petroleum gas to one or more liquefied petroleum gas appliances.
- **“Liquefied petroleum gas supplier”** means either a person that, in the course of a business conducted for the purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise participates in the placing of liquefied petroleum gas in the stream of commerce at retail; or a person that, in the course of a business

conducted for the purpose, installs, repairs, or maintains any aspect of liquefied petroleum gas equipment that allegedly causes harm.

- **“Use of liquefied petroleum gas”** means the distribution, delivery, sale, or use of liquefied petroleum gas, as well as the distribution, sale, installation, modification, inspection, or repair of liquefied petroleum gas equipment.