

Courts

H.B. 150

Primary Sponsors: Reps. Hillyer and Leland

Effective date: April 3, 2023; appropriation effective January 2, 2023

- Creates the Rural Practice Incentive Program under which the Chancellor of Higher Education may repay an attorney's student loans if the attorney agrees to be a service attorney for at least three years in an "underserved community."
- Establishes the Underserved Community and the Service Attorney Loan Repayment Funds.
- Allows an attorney to claim an income tax deduction for amounts repaid by the Chancellor under the program.
- Appropriates \$1.5 million in FY 2023 to support the program.
- Creates a 17-member task force to study Ohio's indigent defense system and provide recommendations to the General Assembly regarding the delivery, structure, and funding of indigent defense.

H.B. 279

Primary Sponsors: Reps. Brown and Oelslager

Effective date: April 4, 2023

- Generally limits the time within which the extended family of a deceased person are entitled to notice of a settlement hearing for a wrongful death action to two years following the alleged wrongful death.
- Allows extended family members to preserve their claim beyond the general, two-year period by filing a notice of claim with the probate court.
- Clarifies that immediate family (i.e., the surviving spouse, children, and parents) are entitled to notice of any such settlement hearing, regardless of when it occurs.
- Specifies that the changes apply only with respect to deaths after the act's effective date.

H.B. 286

Primary Sponsor: Rep. Seitz

Effective date: Vetoed

Appeals of administrative orders

- Would have modified the Administrative Procedure Act by requiring that an appeal by a party adversely affected by an order of an agency be filed in the county where the licensee's place of business is located or the county where the licensee resides.

No claim preclusion in zoning appeals

- Would have provided that a final judgment on the merits by a court, pursuant to its power to review administrative orders on claims regarding county rural zoning or renewal of blighted areas in a county, township zoning, municipal zoning, regional and county planning commissions, or interstate regional planning commissions, does not preclude later claims for damages.

Hamilton County Drug Court jurisdiction

- Would have replaced the statutory law specifying the types of cases that may be referred to the Drug Court of the Hamilton County Court of Common Pleas with authority for local rule, with limitations, and allowed the Municipal Court to refer eligible cases to the Drug Court.

Municipal court jurisdiction – Perry Township (Wood County)

- Would have transferred Perry Township in Wood County from the territorial jurisdiction of the Tiffin-Fostoria Municipal Court to the territorial jurisdiction of the Bowling Green Municipal Court.

State involvement in legal actions

- Would have authorized the General Assembly and each chamber to intervene as a matter of right at any time in any action or proceeding in state or federal court that involves a challenge to the validity, applicability, or constitutionality of the Ohio Constitution or the laws of Ohio.
- Would have created exceptions to the law requiring the Attorney General to represent a state agency in any legal action, by allowing the Speaker of the House, the Senate President, and the Governor to retain separate legal counsel to represent the House, the Senate, the General Assembly, or the interests of the Office of the Governor.

H.B. 518

Primary Sponsor: Rep. Hoops

Effective date: September 23, 2022

Fulton County county and municipal courts

- Abolishes the Fulton County County Court, with two part-time judges, effective January 1, 2024.
- Effective January 1, 2023, abolishes the part-time judgeship in the County Court originally elected in 1980; and effective January 1, 2024, abolishes the part-time judgeship in the County Court originally elected in 1982.
- Establishes in the municipal corporation of Wauseon the Fulton County Municipal Court beginning January 1, 2024, with jurisdiction within Fulton County, and provides that one full-time judge of the Municipal Court is to be elected in 2023.
- Requires the Fulton County Municipal Court to establish a branch office in the municipal corporation of Swanton and to appoint a special deputy clerk to administer the branch office on a full-time basis with compensation according to applicable law, payable from the county treasury.
- Requires the judge of the Fulton County Municipal Court to sit within each of the municipal corporations of Wauseon and Swanton on a weekly basis.
- Specifies that cases arising within Wauseon and specified townships must be filed in the office of the clerk of the court in Wauseon, and s that cases arising in Swanton and specified townships must be filed in the office of the special deputy clerk in Swanton.
- Requires the Fulton County prosecuting attorney, beginning January 1, 2024, to prosecute all violations of state law arising within the unincorporated areas of Fulton County, with other criminal prosecutions in the Court being handled in accordance with ongoing law.
- Prescribes transition provisions, effective January 1, 2024, from the Fulton County County Court to the Fulton County Municipal Court.

Hamilton County Municipal Court

- Makes it permissive, instead of mandatory, for the presiding judge of the Hamilton County Municipal Court to assign two or more of the judges of the Court to sit outside Cincinnati.

Toledo Municipal Court Housing Division

- Expands the jurisdiction of the Toledo Municipal Court Housing Division to include any review or appeal of a final administrative order relating to a building, housing, air pollution, sanitation, health, fire, zoning, or safety code or regulation.
- Grants the Toledo Municipal Court Housing Division concurrent jurisdiction with the court of common pleas in criminal actions related to air, ground, or water pollution.

Fairborn Municipal Court

- Adds one full-time judge to the Fairborn Municipal Court to be elected in 2023.

East Liverpool and Columbiana County municipal courts

- Abolishes the East Liverpool Municipal Court, which had jurisdiction in East Liverpool and Liverpool and St. Clair townships in Columbiana County and in certain portions of the Ohio River, and abolishes its sole judgeship.
- Specifies that the Columbiana County Municipal Court has jurisdiction within Columbiana County.
- Prescribes transition provisions, including transfer of all causes, judgments, executions, and proceedings pending in the East Liverpool Municipal Court on September 23, 2022, to the Columbiana County Municipal Court.

Portage County Court of Common Pleas

- Generally, expands the jurisdiction of the Division of Domestic Relations of the Portage County Court of Common Pleas to include, among others, proceedings involving parentage, child support, allocation of parental rights and responsibilities, and relief from paternity determinations.
- Excludes from the jurisdiction of the Juvenile Division of the Portage County Court of Common Pleas, certain proceedings that are included in the act's expanded jurisdiction of the Court's Division of Domestic Relations.

H.B. 545

Primary Sponsors: Reps. Abrams and Baldrige

Effective date: April 6, 2023

- Prohibits a peer support team member from testifying concerning either a communication received from an individual receiving peer support services from the team member or the member's advice to the individual.
- Lists the circumstances in which the privilege does not apply.
- Requires an employer, organization, or peer support team advisor to keep a roster identifying the employer's or organization's peer support team members and whether each team member satisfies the education requirements necessary for the testimonial privilege to apply.

H.B. 567

Primary Sponsors: Reps. Stewart and Brown

Effective date: April 6, 2023

Court documents and records

- Requires the clerk of the court of common pleas, by October 7, 2024, to make available online the court’s general docket for remote access by the public of the information in that docket, including all documents in each case file, pertaining to civil cases filed on or after April 6, 2023.
- Provides that nothing in that requirement is to be construed as making available online internal documents of judicial officers and court staff or any document or information in a case file the public access to which the court has ordered restricted under the Rules of Superintendence for the Courts of Ohio.
- Provides that the clerk of court is not required to make available online: (1) the general docket of the domestic relations division, the juvenile court, or the probate court, or (2) the general docket in civil cases pertaining to domestic relations if the court does not have a domestic relations division.
- Requires a party to an action or proceeding to omit personal identifiers from a case document submitted to the court or filed with the clerk of court pursuant to Superintendence Rule 45.
- Grants immunity to a clerk of court who posts a case document with personal identifiers on the clerk’s website.
- Permits pleadings or documents filed with the clerk of court on paper to be converted to electronic format, and documents created by the clerk to be created in electronic format.
- Specifies that when pleadings or documents are received, created, or converted to an electronic format, that format must be considered the official version of the record.
- Requires the clerk to keep records as indicated by the Rules of Superintendence for the Courts of Ohio.
- Aligns the requirements for recording orders made out of court and the duty of the common pleas court clerk to maintain records with the Rules of Superintendence for the Courts of Ohio.

PIVOT program

- Allows the Tiffin-Fostoria Municipal Court and the Seneca County Court of Common Pleas to exercise concurrent jurisdiction in operating the Participating in Victory of Transition (PIVOT) drug recovery program indefinitely.

Application to be notary public

- Exempts peace officers from having to obtain a criminal records check when applying to be a notary public.

Notarial certificates and forms of acknowledgments

- Redefines “acknowledgment” to mean an individual’s declaration before a notary that the individual has signed a record for the purpose stated in the record, and if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the person identified in the record.
- Removes the requirement that the notarial certificate for an acknowledgment or jurat indicate the type of notarization being performed.
- Adds a new form of acknowledgment for limited liability companies.
- Changes the authorized form of a jurat, from the signature of the person making the jurat to the “name of signer.”

Certificate of motor vehicle titles

Notary changes

- Removes notary requirements for a variety of motor vehicle title documents when a licensed motor vehicle dealer is a party to the transfer of that motor vehicle.
- Removes the requirement that a power of attorney (POA) be notarized when a person grants that POA to a licensed motor vehicle dealer or the dealer’s agent for the transfer of motor vehicle title.

Transfer of vehicles involving a minor

- Related to the sale, purchase, disposal, acquisition, or other transfer of a motor vehicle by a minor:
 - Adds a licensed motor vehicle dealer (or designee) as a person who may witness a parent or guardian’s signature on the BMV form that accompanies the certificate of title application; and
 - Requires the dealer (or designee) to sign a statement acknowledging that the dealer used reasonable diligence in ascertaining the minor’s age and the signing adult’s identity.
- Authorizes a dealer (or designee) filing a certificate of title application for an all-purpose vehicle or off-highway motorcycle on behalf of a minor to submit a signed statement certifying that the dealer:
 - Used reasonable diligence in ascertaining the minor’s age and the signing adult’s identity; and
 - That the adult provided any necessary identification.

Nonresident purchaser tax affidavit

- Authorizes a nonresident purchaser of a motor vehicle who intends to remove the motor vehicle from Ohio to use, title, and register in another state to sign a statement, rather than an affidavit, regarding that intent.
- Requires the motor vehicle dealer to have the statement signed in duplicate (rather than in triplicate under prior law), if nonelectronic, or signed once if signed electronically, to be submitted to the clerk of courts and forwarded to the Tax Commissioner.
- Retains the nonresident purchaser tax affidavit for purchases of a watercraft or outboard motor, but authorizes the affidavit to be executed in duplicate, rather than in triplicate.

S.B. 56

Primary Sponsor: Sen. Blessing

Effective date: March 14, 2023

Public improvement contracts – indemnification by professional design firm

- Authorizes a public authority to include, in a public improvement contract, a requirement that a professional design firm providing professional design services indemnify the public authority and its officers and employees with regard to liability to a third party stemming from those services.
- Authorizes a public authority and professional design firm to include, in a public improvement subcontract, a requirement that a subcontractor providing professional design services indemnify the public authority and professional design firm with regard to liability to a third party stemming from those services.
- Stipulates that the requirement of indemnity is to take no form other than what is prescribed in the act.
- Provides that the indemnification provisions do not prohibit either:
 - A public authority from bringing a damages action against a professional design firm for breach of the contract or of the professional standard of care; or
 - A professional design firm from bringing a damages action against a subcontracted design firm for breach of the subcontract or of the professional standard of care.
- Authorizes a public improvement contract to require an insurance policy as a form of indemnification.
- Stipulates that inclusion of such a requirement to indemnify is not to be construed as a waiver of immunity from liability under the Political Subdivision Tort Immunity Law or the Workers' Compensation Law.
- Stipulates that the indemnification does not extend to liabilities that would otherwise be barred for timeliness.

- Specifies that a provision in a contract between a public authority and the federal government prevails over a conflicting provision in the act to the extent of the conflict, and that all other provisions of the act not in conflict apply.
- Expands the definition of “injury” to include injury, claims, damages, or loss arising from or related to the infringement of intellectual property.

Immunity for acts of hospital police officers

- Grants a municipal corporation in which a hospital is located or, if the hospital is located in an unincorporated area of a county, a county immunity from civil or criminal liability in an action brought under Ohio law if all of the following apply:
 - The action arises out of the actions of a duly appointed hospital police officer.
 - The officer’s actions are directly in the discharge of the person’s duties as a police officer for the hospital.
 - The actions occur on the premises of the hospital or its affiliates or subsidiaries that are within the territory of the municipal corporation or the unincorporated area of the county or elsewhere within the territory of that municipal corporation or within the unincorporated area of that county.
- Provides that the grant of immunity is not to be construed as granting civil or criminal immunity to specified police officers or hospitals under certain circumstances.
- Specifies that a court’s finding of tort liability of a public or nonprofit hospital agency for any actions of a police officer appointed for the hospital agency is not subject to apportionment of liability with the municipal corporation or the county in which a written agreement is in effect.

Uninsured motorist coverage

- Specifies that motor vehicle insurance policies and programs of self-insurance covering motor vehicles are not to exclude persons provided immunity under the Political Subdivision Tort Immunity Law from the definition of “uninsured motorist” used in the policy or program.

S.B. 202

Primary Sponsors: Sens. Hackett and Antonio

Effective date: April 3, 2023

Disability generally barred as a factor for minor’s caretaker

- Prohibits a court, public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) from using a person’s disability as the sole basis to deny or limit that person from doing any of the following:
 - Exercising custody, parenting time, or visitation rights with a minor;
 - Adopting a minor;

- Serving as a foster caregiver for a minor;
- Appointment as a guardian for a minor.
- Requires a court, PCSA, PCPA, or PNA, when determining whether to grant a person with a disability the right to conduct an activity or exercise authority as described above, to determine whether modifications or supportive services to assist the person regarding the activity or authority are necessary or reasonable.
- Requires a court, PCSA, PCPA, or PNA to implement those modifications or supportive services if they are determined to be necessary and reasonable.
- Requires the court, PCSA, PCPA, or PNA to deny or limit the activity or authority in question by the person with a disability, if modifications or supportive services are not determined to be reasonable.
- Allows a person with a disability to bring an action or, in the case of a court determination, file a motion, to challenge either:
 - The modifications or supportive services imposed on the person;
 - The limitation or denial of the activity or authority in question.
- Requires the court to do one of the following when an action or motion is filed:
 - Affirm the modifications or supportive services required or the limitation or denial imposed and make specific findings of fact and conclusions of law providing the basis for its decision;
 - Rescind the modifications or supportive services or limitation or denial and grant the person the right to conduct the activity or exercise the authority in question, with or without reasonable modifications or supportive services.

Judge qualifications

- Modifies the qualifications for office for judges of municipal courts, county courts, courts of common pleas, courts of appeals, and justices of the Supreme Court.

Challenge of administrative order responding to state of emergency

- Requires that a civil action challenging a state of emergency order or rule and seeking damages be brought in the Court of Claims, and allows such an action to be brought in the Court of Claims if the action is for declaratory judgment, injunctive relief, or other appropriate relief.

Fulton County County Court

- Converts a part-time judgeship of the Fulton County County Court to a full-time judgeship until January 1, 2024, when the court is abolished and the Fulton County Municipal Court is created.

Task Force on Bail

- Establishes a Task Force on Bail to collect and evaluate data regarding the current use of bail in Ohio.

Disinterment of bodies buried in cemeteries

- Revises the law granting a surviving adult spouse priority to disinter a body buried in a cemetery and instead grants the priority to a person designated by the decedent under the Ohio Right of Disposition Law, and if there is no designation, then the surviving spouse.

Irrevocable trusts

- Prescribes an optional process by which the trustee of an irrevocable trust may conclude the trustee's administration of the trust.
- Requires that if the trustee elects the optional process, before concluding administration, the trustee must send both (1) a written notice with specific information and (2) up to four years of trustee reports to all beneficiaries of the trust and other parties.
- Establishes a 45-day window for those receiving the notice and reports to provide an objection to the trustee's proposed action or any other objection concerning the trustee's administration of the trust.

Disclosures relating to settlement of claims for minors

- Exempts from disclosure records of probate court proceedings that involve the settlement of claims made by guardians on behalf of minors.

Presentment of claims against an estate

- Revises the options a creditor has to present a claim against an estate after the appointment of an executor or administrator and prior to the filing of a final account or certificate of termination to include presenting the claim to the executor's or administrator's counsel and to the probate court.

Anti-lapse statute

- Expands the definition of "devise" under the anti-lapse statute to include a primary devise.
- Specifies that the new definition is to be applied retroactively to the fullest extent possible, except in situations in which real property has been transferred and recorded.

Technical changes relating to effective dates

- Clarifies the effective date for certain changes made to Ohio Trust Law regarding exceptions to the rule against perpetuities in H.B. 701 of the 122nd General Assembly and H.B. 479 of the 129th General Assembly.

Attorney in fact signatures

- Statutorily upholds the validity of a recorded real property instrument signed by an attorney in fact even if the attorney in fact signs the instrument in an individual capacity, rather than a representative capacity.

Lucas County land conveyance

- Authorizes the conveyance of state-owned land in Lucas County to the Lucas County Commissioners.

S.C.R. 16

Primary Sponsor: Sen. Gavarone

Adopted: June 1, 2022

- Disapproves the proposed amendments to specified Rules, and to Staff Notes to specified Rules, filed by the Ohio Supreme Court with the General Assembly on April 26, 2022, and the previously proposed amendments to those specified Rules and Staff Notes filed by the Court on January 12, 2022, that were proposed to:
 - The Ohio Rules of Civil Procedure;
 - The Ohio Rules of Criminal Procedure;
 - The Ohio Rules of Evidence; and
 - The Ohio Rules of Juvenile Procedure.