**PROPOSED AMENDMENTS TO OHIO TRAFFIC RULES**

Comments Requested: The Supreme Court of Ohio will accept public comments until May 28, 2014 on the following proposed amendments to the Ohio Traffic Rules.

 Comments on the proposed amendments should be submitted in writing to: Jo Ellen Cline, Government Relations Counsel, Supreme Court of Ohio, 65 South Front Street, 7th Floor, Columbus, Ohio 43215-3431, or j.cline@sc.ohio.gov not later than May 28, 2014. Please include your full name and mailing address in any comments submitted by e-mail.

Key to Proposed Amendment:

1.        Existing language appears in regular type.  Example: text

2.     Existing language to be deleted appears in strikethrough.  Example: ~~text~~

3.      New language to be added appears in underline.  Example: text

**Proposed Amendments to Ohio Traffic Rules**

**[Existing language unaffected by the amendments is omitted to conserve space]**

**RULE 3. Complaint and Summons; Form; Use**

 **(A) Traffic complaint and summons.** In traffic cases, the complaint and summons shall be the "Ohio Uniform Traffic Ticket" as set out in the Appendix of Forms.

 **(B) Traffic complaint and summons form.** The Ohio Uniform Traffic Ticket shall consist of four sheets, padded together and bound at the top or bottom edge. Each sheet shall be four and one-fourth inches in width and nine and one-half inches in length from a perforation below the binding to the bottom edge. The first sheet shall be white and the second sheet shall be canary yellow. Where an additional copy is needed by an agency, it may be added. The first and second sheets shall be at least fifteen pound paper.

 The first sheet shall be the court record.

 The second sheet shall be the abstract of court record for the Bureau of Motor Vehicles as required by section 4507.021 of the Revised Code. The second sheet may be omitted from the Ticket if the court reports violations to the Bureau by electronic or other means acceptable to the Bureau.

 The third sheet shall be the defendant's copy.

 The fourth sheet shall be the enforcement agency record.

 A wrap-around may be added to the first sheet. The issuing authority may use the front and back of the wrap-around for any data or information it may require.

 Each ticket sheet shall be perforated tab bound at the edge or end with carbon paper interleaved so that all carbon paper is securely bound to the tab and removable with it, or shall be on treated paper so that marking from the top sheet is transferred legibly to successive sheets in the group.

 **(C) Use of ticket.** The Ohio Uniform Traffic Ticket shall be used in all moving traffic cases, but its use for parking and equipment violations is optional in each local jurisdiction. Any ticket properly issued by a law enforcement officer shall be accepted for filing and disposition in any court having jurisdiction over the offense alleged. An officer may include more than one alleged violation on a single ticket provided the alleged violations are numbered sequentially on the face of the ticket. An officer who completes a ticket at the scene of an alleged offense shall not be required to rewrite or type a new complaint as a condition of filing the ticket, unless the original complaint is illegible or does not state an offense. If a new complaint is executed, a copy shall be served upon defendant as soon as possible.

 **(D) Issuance of tickets to enforcement agency.** The judge in a single-judge court, and the administrative judge in multi-judge courts, shall designate the issuing authority for tickets and prescribe the conditions of issuance and accountability. The issuing authority may be the clerk of the court, the violations clerk, or the enforcement agency of the municipality.

 When a single enforcement agency, except the State Highway Patrol, regularly has cases in more than one court, the ticket used by the agency shall be issued through the court for adults in the most populous area in the jurisdiction of the agency. Tickets used by the State Highway Patrol shall be issued by the Superintendent of the State Highway Patrol.

 **(E) Duty of law enforcement officer.**

(1) A law enforcement officer who issues a ticket shall complete and sign the ticket, serve a copy of the completed ticket on the defendant, and, without unnecessary delay, file the court ~~copy~~ record with the court. If the issuing officer personally serves a copy of the completed ticket on the defendant, the issuing officer shall note the date of personal service on the ticket in the space provided. If the issuing officer is unable to serve a copy of the completed ticket on the defendant, the completed ticket may be served by another law enforcement officer of the law enforcement agency issuing the ticket or filed with the clerk of the court for issuance of a warrant or summons pursuant to Crim. R. 4. Tickets that solely allege one or more minor misdemeanor violations must initially be issued by summons.

(2) The officer shall notify defendant that if defendant does not appear at the time and place stated in the citation or comply with division (C) of section 2935.26 of the Revised Code, defendant's license will be cancelled, defendant will not be eligible for the reissuance of the license or the issuance of a new license for one year after cancellation, and defendant will be subject to any applicable criminal penalties.

**(F) Use of Electronically Produced Tickets.**

 (1) Local rules adopted by a court pursuant to the Supreme Court Rules of Superintendence for the Courts of Ohio may provide for the use of a ticket that is produced by computer or other electronic means. A ticket produced by computer or other electronic means shall not require the signature of the defendant. A ticket produced by computer or other electronic means shall conform in all substantive respects~~, including layout and content,~~ to the “Ohio Uniform Traffic Ticket” set forth in the Appendix of Forms. The provisions of division (B) of this rule relative to the color and weight of paper, size, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means. The ticket paper shall be of sufficient quality to allow the court record copy to remain unchanged for the period of the retention schedule for the various traffic offenses as prescribed by Rule 26.05 of the Rules of Superintendence for the Courts of Ohio. The court record of the ticket shall be filed with the court or may be filed electronically as authorized by local rule and division (F)(2) of this rule.

 (2) Local rules adopted by a court pursuant to the Supreme Court Rules of Superintendence for the Courts of Ohio may also provide for the filing of the ticket by electronic means. If a ticket is issued at the scene of an alleged offense, the local rule shall require that the issuing officer ~~provide~~ serve the defendant with ~~a~~ the defendant’s paper copy of the ticket as required by division (E) of this rule. A law enforcement officer who files a ticket pursuant to divisions (F)(1) or (F)(2) of this rule ~~electronically,~~ and electronically affixes the officer’s signature thereto, shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to these rules.

**[Existing language unaffected by the amendments is omitted to conserve space]**

**RULE 25. Effective Date of Amendments**

**[Existing language unaffected by the amendments is omitted to conserve space]**

(T) The amendment to Traffic Rule 3, adopted by the Supreme Court of Ohio on [enter date] shall take effect on [enter date].

**[Existing language unaffected by the amendments is omitted to conserve space]**