

# OHIO TRAFFIC RULES

## Rule

- [1](#) [Scope of rules; applicability; authority and construction](#)
  - [2](#) [Definitions](#)
  - [3](#) [Complaint and summons; form; use](#)
  - [4](#) [Bail and security](#)
  - [5](#) [Joinder of offense and defendants; consolidation for trial; relief from prejudicial joinder](#)
  - [6](#) [Summons, warrants: form, service and execution](#)
  - [7](#) [Procedure upon failure to appear](#)
  - [8](#) [Arraignment](#)
  - [9](#) [Jury demand](#)
  - [10](#) [Pleas; rights upon plea](#)
  - [11](#) [Pleadings and motions before plea and trial: defenses and objections](#)
  - [12](#) [Receipt of guilty plea](#)
  - [13](#) [Traffic violations bureau](#)
  - [13.1](#) [Juvenile traffic violations bureau](#)
  - [14](#) [Magistrates](#)
  - [15](#) [Violation of rules](#)
  - [16](#) [Judicial conduct](#)
  - [17](#) [Traffic case scheduling](#)
  - [18](#) [Continuances](#)
  - [19](#) [Rule of court](#)
  - [20](#) [Procedure not otherwise specified](#)
  - [21](#) [Forms](#)
  - [22](#) [\[Reserved\]](#)
  - [23](#) [Title](#)
  - [24](#) [Effective date](#)
  - [25](#) [Effective date of amendments](#)
- [Temp](#) [Temporary provision](#)
- [Multi-Count Uniform Traffic Ticket Commission on the rules of superintendence for Ohio courts](#)

**RULE 1. Scope of Rules; Applicability; Authority and Construction**

(A) **Applicability.** These rules prescribe the procedure to be followed in all courts of this state in traffic cases and supersede the "Ohio Rules of Practice and Procedure in Traffic Cases For All Courts Inferior To Common Pleas" effective January 1, 1969, and as amended on January 4, 1971, and December 7, 1972.

(B) **Authority and construction.** These rules are promulgated pursuant to authority granted the Supreme Court by R.C. 2935.17 and 2937.46. They shall be construed and applied to secure the fair, impartial, speedy and sure administration of justice, simplicity and uniformity in procedure, and the elimination of unjustifiable expense and delay.

[Effective: January 1, 1975.]

## **RULE 2. Definitions**

As used in these rules:

(A) “Traffic case” means any proceeding, other than a proceeding resulting from a felony indictment, that involves one or more violations of a law, ordinance, or regulation governing the operation and use of vehicles, conduct of pedestrians in relation to vehicles, or weight, dimension, loads or equipment, or vehicles drawn or moved on highways and bridges. “Traffic case” does not include any proceeding that results in a felony indictment.

(B) “Traffic ticket” means the traffic complaint and summons described in Traffic Rule 3 and that appears in the Appendix of Forms.

(C) “Highway” includes a street or an alley.

(D) “Petty offense” means an offense for which the penalty prescribed by law includes confinement for six months or less.

(E) “Serious offense” means an offense for which the penalty prescribed by law includes confinement for more than six months.

(F) “Court” means a municipal court, county court, juvenile division of the court of common pleas, or mayor’s court.

(G) “Judge” means judge of a municipal court, county court, or juvenile division of the court of common pleas, or a mayor or mayor’s court magistrate presiding over a mayor’s court.

(H) “Prosecuting attorney” means the attorney general of this state, the prosecuting attorney of a county, the law director, city solicitor, or other officer who prosecutes a criminal case on behalf of the state or a city, village, township, or other political subdivision, and the assistant or assistants of any of them.

(I) “State” means this state, a county, city, village, township, other political subdivision or any other entity of this state that may prosecute a criminal action.

(J) “Clerk of court” means the duly elected or appointed clerk of any court of record, or the deputy of any of them, and either the mayor of a municipal corporation having a mayor’s court or any clerk appointed by the mayor.

[Effective: January 1, 1975; amended February 1, 2002; January 1, 2006.]

**Traffic Rules Review Commission  
Commentary (January 1, 2006 Amendment)**

The amendment deleting the definition of “Review Commission” is made upon transition of the oversight of the Ohio Traffic Rules from the Review Commission to the Commission on the Rules of Practice and Procedure in Ohio Courts as adopted by the Supreme Court of Ohio effective January 1, 2006.

**Traffic Rules Review Commission  
Commentary (February 1, 2002 Amendment)**

The amendment to the definition of “traffic case” clarifies that the Ohio Traffic Rules do not apply in proceedings that arise from a felony indictment. In traffic cases that arise from a felony indictment, such as felony drunk driving cases, the Ohio Rules of Criminal Procedure would apply. See Rule 1(C), Ohio Rules of Criminal Procedure.

The amendment also corrects references to certain courts and makes other nonsubstantive changes.

### **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 to 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 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 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, provided that the ticket conforms 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 and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means.

(2) Local rules adopted pursuant to the Supreme Court Rules of Superintendence for the Courts of Ohio may 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 the defendant with a paper copy of the ticket as required by division (E) of this rule. A law enforcement officer who files a ticket electronically 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.

[Effective: January 1, 1975; amended effective August 4, 1980; February 26, 1990; November 28, 1990; June 1, 1992, February 1, 2002; October 1, 2006; May 1, 2008.]

**Traffic Rules Review Commission  
Commentary (October 1, 2006 Amendment)**

The October 1, 2006 amendment added language to division (E)(1) to provide an alternative means of serving the defendant with a completed traffic ticket. At least one trial court and three courts of appeal have held that former Traf. R. 3(E) and the Uniform Traffic Ticket, when read together, require a law enforcement officer who issues a traffic citation to personally serve the defendant with a copy of the citation. See *Akron v. Detweiler* (1978), 54 Ohio Misc. 5, 6; *Oregon v. Fox* (Jan. 21, 1983), Lucas App. No. L-82-317; *State v. Campbell*, 150 Ohio App. 3d 90, 2002-Ohio-6064; and *Columbus v. Ford*, 2004-Ohio-5715. Although personal service is easily accomplished when a typical traffic citation is issued, compliance is difficult in “hit-skip” cases and other situations where the offender is not cited at the time of the violation or in cases where the defendant resides outside the jurisdiction in which the offense occurred.

The amendment to division (E)(1) retains the requirement that the issuing officer serve the ticket and, together with the Uniform Traffic Ticket, contemplates that service will be made personally in the majority of cases by the issuing officer. However, if the issuing officer is unable to personally serve the ticket on the defendant, service may be accomplished through issuance of a warrant or summons pursuant to Rule 4 of the Ohio Rules of Criminal Procedure.

**Commentary (February 1, 2002 Amendment)**

The February 1, 2002 amendment added division (F) to authorize the use of traffic tickets that are produced by computer or other electronic means and the adoption of local rules relative to the electronic filing of traffic tickets. The intent of division (F)(1) is to retain the uniform substance of traffic tickets produced by jurisdictions throughout Ohio from the standpoint of the layout and content of the ticket, but recognize that electronically generated tickets need not comply with certain requirements applicable to traditional printed forms of traffic tickets. In developing electronic traffic tickets, courts, clerks, and law enforcement agencies should ensure that the electronic ticket comports as closely as possible to the Uniform Traffic Ticket contained in the Appendix of Forms

The amendment to add division (F)(2) is based on a recommendation from the Digital Signatures Committee of the Ohio Judicial Conference. The amendment authorizes the adoption of local rules, consistent with standards contained in the Rules of Superintendence, relative to the electronic filing of traffic tickets. The amendment requires that the defendant be provided a paper copy of the ticket and states the issuing officer’s responsibility with respect to issuance of an electronically filed ticket.

**Traffic Rules Review Commission**  
**Commentary (February 1, 2002 Amendment)**

The February 1, 2002 amendment added division (F) to authorize the use of traffic tickets that are produced by computer or other electronic means and the adoption of local rules relative to the electronic filing of traffic tickets. The intent of division (F)(1) is to retain the uniform substance of traffic tickets produced by jurisdictions throughout Ohio from the standpoint of the layout and content of the ticket, but recognize that electronically generated tickets need not comply with certain requirements applicable to traditional printed forms of traffic tickets. In developing electronic traffic tickets, courts, clerks, and law enforcement agencies should ensure that the electronic ticket comports as closely as possible to the Uniform Traffic Ticket contained in the Appendix of Forms

The amendment to add division (F)(2) is based on a recommendation from the Digital Signatures Committee of the Ohio Judicial Conference. The amendment authorizes the adoption of local rules, consistent with standards contained in the Rules of Superintendence, relative to the electronic filing of traffic tickets. The amendment requires that the defendant be provided a paper copy of the ticket and states the issuing officer's responsibility with respect to issuance of an electronically filed ticket.

**RULE 4. Bail and Security**

**(A) Posting of bail; depositing of security.** The posting of bail or the depositing of security is for the purpose of securing appearance or compliance with R.C. 2935.26(C) only. The forfeiture of the bail or security is not a substitute for appearance in court, compliance with R.C. 2935.26(C), and payment of penalty imposed on plea of finding of guilty.

**(B) Bail and security procedure.** Criminal Rule 46 governs bail in traffic cases. In addition, the provisions of R.C. 2937.221 and R.C. 2935.27 apply in traffic cases.

[Effective: January 1, 1975; amended effective August 4, 1980.]

**RULE 5. Joinder of Offense and Defendants; Consolidation for Trial; Relief  
[From] Prejudicial Joinder**

Criminal Rules 8, 13 and 14 govern joinder of offenses and defendants, consolidation of cases for trial and relief from prejudicial joinder in traffic cases.

[Effective: January 1, 1975.]

**RULE 6. Summons, Warrants: Form, Service and Execution**

**(A) Form.** The form of summons and warrants, other than the ticket, shall be as prescribed in Criminal Rule 4.

**(B) Service and execution.** Summons, other than the ticket, and warrants shall be served and executed as prescribed by Criminal Rule 4.

[Effective: January 1, 1975.]

**RULE 7. Procedure upon Failure to Appear**

**(A) Issuance of summons, warrant.** When a defendant fails to appear pursuant to a ticket issued to him, the court shall issue a supplemental summons or warrant.

If a supplemental summons is not served or a warrant is not executed within twenty-eight days of receipt by the serving officer, the court may place the case in a file of cases disposed of subject to being reopened. Where bond is forfeited, the disposition shall be reported to the Registrar of Motor Vehicles. For all other purposes, including disposition reports, the cases shall be reported as disposed of, subject to being reopened if defendant subsequently appears or is apprehended.

**(B) Issuance of notice to nonresident.** When a nonresident of this state fails to appear pursuant to a supplemental summons or a warrant issued under division (A), the court may send by ordinary mail to defendant's address as it appears on the ticket, or the summons or warrant return, a notice ordering defendant to appear at a specified time and place.

If defendant fails to appear or answer within twenty-eight days after the date of mailing of the notice, the court shall place the case in the file of cases disposed of subject to being reopened.

The mailing of notice in parking cases is discretionary with the court.

**(C) Effect of waiting periods and bail forfeiture.** The waiting period prescribed in division (A) does not affect forfeiture of bail.

If there is a breach of a condition of bail, the court shall declare a forfeiture of bail. Forfeiture proceedings shall be promptly enforced as provided by law.

If defendant fails to appear at the time and place specified on the citation and fails to comply with division (C) of section 2935.26 of the Revised Code, or fails to comply with or satisfy any judgment of the court within the time allowed, the court shall declare the forfeiture of defendant's license. Thirty days after the declaration, the court shall forward a copy of the declaration to the Registrar of Motor Vehicles for cancellation in accordance with division (D) of section 2935.27 of the Revised Code. If defendant deposits a sum of money or other security with the court, the deposit immediately shall be forfeited to the court if he fails to appear or comply with division (C) of section 2935.26 of the Revised Code.

[Effective: January 1, 1975; amended effective August 4, 1980; November 28, 1990.]

## **RULE 8. Arraignment**

**(A) Arraignment time.** Where practicable, every defendant shall be arraigned before contested matters are taken up. Trial may be conducted immediately following arraignment.

**(B) Arraignment procedure.** Arraignment shall be conducted in open court and shall consist of reading the complaint to the defendant, or stating to him the substance of the charge, and calling on him to plead thereto. The defendant shall be given a copy of the complaint, or shall acknowledge receipt thereof, before being called upon to plead and may in open court waive the reading of the complaint.

**(C) Presence of defendant.** The defendant must be present at the arraignment, but the court may allow the defendant to enter a not guilty plea at the clerk's office in person, by his attorney in person, or by his attorney by mail, within four days after receipt of the ticket by the defendant.

**(D) Explanation of rights.** Before calling upon a defendant to plead at arraignment the judge shall cause him to be informed and shall determine that defendant knows and understands:

(1) That he has a right to counsel and the right to a reasonable continuance in the proceedings to secure counsel, and, pursuant to Criminal Rule 44, the right to have counsel assigned without cost to himself if he is unable to employ counsel;

(2) That he has a right to bail as provided in Rule 4;

(3) That he need make no statement at any point in the proceeding; but any statement made may be used against him;

(4) That he has, where such right exists, a right to jury trial and that he must, in petty offense cases, make a demand for a jury pursuant to Criminal Rule 23;

(5) That if he is convicted a record of the conviction will be sent to the Bureau of Motor Vehicles and become part of his driving record.

**(E) Joint arraignment.** If there are multiple defendants to be arraigned, the judge may advise, or cause them to be advised, of their rights by general announcement.

[Effective: January 1, 1975.]

**RULE 9. Jury Demand**

**(A) Jury demand.** Jury demands shall be made pursuant to Criminal Rule 23.

**(B) Jury demands in mayor's court.** Where, in a mayor's court, a defendant is entitled to a jury trial and a jury demand is made pursuant to Criminal Rule 23, the mayor shall transfer the case pursuant to subdivision (C).

If a jury demand is not made pursuant to Criminal Rule 23, and the defendant waives his right to jury trial in writing, a mayor may try the case if (1) his compensation as a judge is not directly dependent upon criminal case convictions, or (2) he is not the chief executive and administrative officer of the municipality and as such responsible for the financial condition of the municipality. Guilty and no contest pleas may be taken by any mayor, including mayors whose compensation as a judge is directly dependent upon criminal case convictions and mayors who as chief executive and administrative officer of the municipality are responsible for the financial condition of the municipality.

**(C) Transfer.** Where transfer is required, the mayor's court shall make a written order directing the defendant to appear at the transferee court, continuing the same bail, if any, and making appearance before the transferee court a condition of bail, if any. Upon transfer, the mayor's court shall transmit to the clerk of the transferee court the ticket and all other papers in the case, and any bail taken in the case.

Upon receipt of such papers the clerk of the transferee court shall set the case for trial and shall notify the defendant by ordinary mail of his trial date.

[Effective: January 1, 1975.]

**RULE 10. Pleas; Rights upon Plea**

**(A) Pleas.** A defendant may plead not guilty, guilty or, with the consent of the court, no contest. All pleas may be made orally. If a defendant refuses to plead, the court shall enter a plea of not guilty on behalf of the defendant.

**(B) Effect of guilty or no contest pleas.** With reference to the offense or offenses to which the plea is entered:

(1) The plea of guilty is a complete admission of the defendant's guilt.

(2) The plea of no contest is not an admission of defendant's guilt, but is an admission of the truth of the facts alleged in the complaint and such plea or admission shall not be used against the defendant in any subsequent civil or criminal proceeding.

(3) When a plea of guilty or no contest is accepted pursuant to this rule, the court shall proceed with sentencing under Criminal Rule 32.

**(C) Misdemeanor cases involving serious offenses.** In misdemeanor cases involving serious offenses, the court may refuse to accept a plea of guilty or no contest and shall not accept such plea without first addressing the defendant personally and informing him of the effect of the pleas of guilty, no contest, and not guilty and determining that he is making the plea voluntarily. Where the defendant is unrepresented by counsel, the court shall not accept a plea of guilty or no contest unless the defendant, after being readvised that he has the right to be represented by retained counsel, or pursuant to Criminal Rule 44 by appointed counsel, waives this right.

**(D) Misdemeanor cases involving petty offenses.** In misdemeanor cases involving petty offenses, except those processed in a traffic violations bureau, the court may refuse to accept a plea of guilty or no contest and shall not accept such pleas without first informing the defendant of the effect of the plea of guilty, no contest, and not guilty.

The counsel provisions of Criminal Rule 44(B), (C) and (D) apply to this subdivision.

**(E) Refusal of court to accept plea.** If the court refuses to accept a plea of guilty or no contest, the court shall enter a plea of not guilty on behalf of the defendant. In such cases neither plea shall be admissible in evidence nor be the subject of comment by the prosecuting attorney or court.

(F) **Immediate trial.** Upon written consent of defendant and the prosecuting attorney, trial may be conducted immediately after the acceptance of a plea at arraignment. If the defendant seeks a continuance, or demands a jury trial where such right exists, the court shall cause the case to be set for trial.

[Effective: January 1, 1975.]

## **RULE 11. Pleadings and Motions before Plea and Trial: Defenses and Objections**

**(A) Pleadings and motions.** Pleadings in traffic cases shall be the complaint, the pleas of not guilty, guilty, and no contest. Defenses and objections shall be raised before plea and trial by motion to dismiss or to grant appropriate relief.

**(B) Motions before plea and trial.** Any defense, objection, or request which is capable of determination without the trial of the general issue may be raised before plea or trial by motion.

(1) The following defenses and objections must be raised before plea:

(a) Defenses and objections based on defects in the institution of the prosecution;

(b) Defenses and objections based on defects in the complaint other than failure to show jurisdiction in the court or to charge an offense, which objections shall be noticed by the court at any time during the pendency of the proceeding.

(2) The following motions and requests must be made before trial:

(a) Motions to suppress evidence, including but not limited to identification testimony, on the ground that it was illegally obtained;

(b) Requests and motions for discovery under Criminal Rule 16;

(c) Motions for severance of charges or defendants under Criminal Rule 14.

**(C) Motion date.** Pre-plea motions shall be made before or at arraignment.

All pretrial motions, except as provided in Criminal Rule 16(F), shall be made within thirty-five days after arraignment or seven days before trial, whichever is earlier. The court, in the interest of justice, may extend the time for making pre-plea or pretrial motions.

**(D) Disclosure of evidence by prosecuting attorney.** At the arraignment, or as soon thereafter as is practicable, the defendant may, in order to raise objections prior to trial under subsection (B)(2), request notice of the prosecuting attorney's intention to use evidence in chief at trial, which evidence the defendant is entitled to discover under Criminal Rule 16.

**(E) Ruling on motion.** A motion made before trial, other than a motion for change of venue, shall be timely determined before trial. Where factual issues are involved in determining a motion, the court shall state its essential findings on the record.

**(F) Effect of failure to raise defenses or objections.** Failure by the defendant to raise defenses or objections or to make motions and requests which must be made prior to plea, trial, or at the time set by the court pursuant to subdivision (C), or prior to any extension thereof made by the

court, shall constitute waiver thereof, but the court for good cause shown may grant relief from the waiver.

**(G) Effect of plea of no contest.** The plea of no contest does not preclude a defendant from asserting upon appeal that the trial court prejudicially erred in ruling on a pretrial motion, including a pretrial motion to suppress evidence.

**(H) Effect of determination.** If the court grants a motion to dismiss based on a defect in the institution of the prosecution or in the complaint, the court shall dismiss the case unless the prosecuting attorney can, pursuant to Criminal Rule 7(D), amend the complaint.

**(I) State's right of appeal.** The state may take an appeal in traffic cases pursuant to Criminal Rule 12(K).

[Effective: January 1, 1975; amended effective February 1, 2008.]

#### **Commentary (February 1, 2008)**

The February 1, 2008 amendment to division (I) corrects an inaccurate reference in the previous version of the rule to Criminal Rule 12(J). The previous division (I) expressly limited the state's right of appeal to two types of cases under Traffic Rule 13(B)(1) & (3). Such a limitation precluded the state from seeking review of adverse rulings on evidentiary matters in all first and second offense OVI cases and, arguably third OVI case in municipal court. The amendment, in applying the Criminal Rule 12(K) standard, promotes uniformity in addressing the state's right of appeal in all traffic cases.

**RULE 12. Receipt of Guilty Plea**

The pleas of guilty and no contest shall be received only by personal appearance of the defendant in open court, except that, the plea of guilty may be received in accordance with Rule 13 at a regularly established traffic violations bureau. Upon the showing of exceptional circumstances by written motion, a court may receive a guilty or no contest plea in such manner as it deems just.

The receipt of a plea contrary to the provisions of these rules is forbidden.

[Effective: January 1, 1975.]

### **RULE 13. Traffic Violations Bureau**

**(A) Establishment and operation of traffic violations bureau.** Each court shall establish a traffic violations bureau. The juvenile division of the court of common pleas may establish a violations bureau pursuant to Traffic Rule 13.1. The court shall appoint its clerk as violations clerk. If there is no clerk, the court shall appoint any appropriate person of the municipality or county in which the court sits. The violations bureau and violations clerk shall be under the direction and control of the court. Fines and costs shall be paid to, receipted by, and accounted for by the violations clerk.

The violations bureau shall accept appearance, waiver of trial, plea of guilty, and payment of fine and costs for offenses within its authority.

**(B) Authority of violations bureau.** All traffic offenses except those listed in division (B)(1) to (9) of this rule may be disposed of by a traffic violations bureau. The following traffic offenses shall not be processed by a traffic violations bureau:

- (1) Indictable offenses;
- (2) Operating a motor vehicle while under the influence of alcohol or any drug of abuse;
- (3) Leaving the scene of an accident;
- (4) Driving while under suspension or revocation of a driver's or commercial driver's license;
- (5) Driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less;
- (6) A third moving traffic offense within a twelve-month period;
- (7) Failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child;
- (8) Willfully eluding or fleeing a police officer;
- (9) Drag racing.

**(C) Schedule of fines.** The court shall establish and publish a schedule of fines and costs for all offenses. The schedule shall be distributed to all law enforcement agencies operating within the jurisdiction of the court and shall be prominently displayed at the place in the violations bureau where fines are paid.

**(D)(1) Defendant's appearance, plea and waiver of trial.** Within seven days after the date of issuance of the ticket, a defendant charged with an offense that can be processed by a traffic violations bureau may do either of the following:

(a) Appear in person at the traffic violations bureau, sign a plea of guilty and waiver of trial provision of the ticket, and pay the total amount of the fine and costs;

(b) Sign the guilty plea and waiver of trial provision of the ticket and mail the ticket and a check, money order, or other approved form of payment for the total amount of the fine and costs to the traffic violations bureau;

(2) A court may establish a procedure for accepting, through its traffic violations bureau, guilty pleas, waivers of trial, and payments of fines and costs by telephone or other electronic means. The form of payment accepted by telephone or other electronic means shall be approved by the bureau.

(3) Remittance of the fine and costs to the traffic violations bureau by any means other than personal appearance by the defendant at the bureau constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the ticket are signed by the defendant.

**(E) Records.** All cases processed in the violations bureau shall be numbered and recorded for identification and statistical purposes. In any statistical reports required by law, the number of cases disposed of by the violations bureau shall be listed separately from those disposed of in open court.

**(F) Hours of operation; personnel.** The court shall appoint a law enforcement officer as a deputy violations bureau clerk to act as violations clerk when the violations clerk is not on duty.

[Effective: January 1, 1975; amended effective August 4, 1980; February 26, 1990; November 1, 1994; July 1, 1997; May 3, 1999, February 1, 2002.]

### **Traffic Rules Review Commission Commentary (February 1, 2002 Amendment)**

The February 1, 2002 amendment to division (A) authorizes the establishment of a juvenile violations bureau in the court of common pleas. For additional background, see the commentary accompanying the February 1, 2002 amendment to Traffic Rule 13.1.

### **RULE 13.1. Juvenile Traffic Violations Bureau**

(A) By local rule of court, the juvenile division of the court of common pleas may establish a violations bureau for juvenile traffic offenders. Except as provided in division (B) of this rule, a juvenile traffic violations bureau shall function in the same manner as a violations bureau established pursuant to Traffic Rule 13.

(B) All juvenile traffic offenses may be disposed of by a violations bureau, except as follows:

- (1) An offense listed in Traffic Rule 13(B)(1) to (5) and (7) to (9);
- (2) A second or subsequent moving offense;
- (3) An offense that involves an accident.

#### **Traffic Rules Review Commission Commentary (February 1, 2002 Amendment)**

In Section 7 of Amended Substitute Senate Bill 179 of the 123<sup>rd</sup> General Assembly, the General Assembly recommended that the Supreme Court authorize the juvenile division of the court of common pleas “to create violations bureaus for the payment of tickets that involve first offense minor misdemeanor traffic offenses that did not result in an accident.” This rule implements this recommendation by allowing juvenile violations bureaus to be created by local rule of court. The rule provides that the procedures established for adult violations bureaus under Traffic Rule 13 apply to juvenile violations bureaus and lists offenses committed by a juvenile traffic offender that cannot be disposed of by the bureau.

## **RULE 14. Magistrates**

(A) A court may appoint one or more magistrates for the purpose of receiving pleas, determining guilt or innocence, receiving statements in explanation and in mitigation of sentence, and recommending penalty to be imposed. A magistrate shall be an attorney admitted to practice in Ohio. A magistrate shall be provided with court room accommodations resembling as nearly as possible traffic court rooms.

(B) A court may refer nonjury traffic cases to a magistrate. If the offense charged is an offense for which imprisonment is a possible penalty, the case may be referred only with the unanimous consent of the parties, in writing or on the record in open court. The consent of an alleged juvenile traffic offender or his or her parent, guardian, or custodian shall not be required.

(C) Proceedings before the magistrate shall be conducted as provided in Criminal Rule 19. A defendant's payment of a fine does not constitute a waiver of the defendant's right to file objections to the magistrate's decision.

[Effective: January 1, 1975; amended effective September 1, 1996; February 1, 2002; October 1, 2006.]

### **Traffic Rules Review Commission Commentary (October 1, 2006 Amendment)**

The October 1, 2006 amendment altered the cross-reference to Criminal Rule 19 to conform to the July 1, 2006 amendments to Criminal Rule 19.

### **Commentary (February 1, 2002 Amendment)**

The February 1, 2002 amendment conforms the authority of traffic court magistrates to that of criminal magistrates contained in Criminal Rule 19, as amended effective July 1, 2000. Division (A) retains language of the rule as it existed prior to the amendment and adds that a traffic court magistrate may determine issues of guilt or innocence.

Division (B) specifies that any nonjury traffic case, including those involving an alleged juvenile traffic offender, may be referred to a magistrate, removing any references to the consent of the parties that was contained in the prior rule. In cases where imprisonment, as defined in R.C. 1.05, is a possible penalty, the case may be heard by a magistrate only with the written consent of the parties.

Reference to Civil Rule 53 has been replaced with a requirement that proceedings before a traffic magistrate will be conducted in accordance with Criminal Rule 19. The rule also states

that the payment of a fine by the defendant does not constitute a waiver of the defendant's right to object to the decision of the magistrate.

**RULE 15. [RESERVED]**

**Commentary ( October 1, 2006 Amendment)**

The October 1, 2006 amendment repealed former Traf. R. 15. Division (A) of that rule authorized contempt proceedings before the Supreme Court against any judge, clerk, or other personnel who willfully failed to apply or adhere to the Ohio Traffic Rules. This provision is deemed unnecessary since a party may object to or raise on appeal a court's noncompliance with the Ohio Traffic Rules or application of local rules that are inconsistent with the Ohio Traffic Rules.

Division (B) of former Traf. R. 15 authorized the institution of criminal contempt proceedings against any person who improperly disposed of a traffic ticket. This provision is deemed unnecessary in light of the existence of statutes that would allow for the imposition of criminal penalties against a person who improperly disposes of a traffic ticket.

**RULE 16. Judicial Conduct**

The Code of Judicial Conduct as adopted by the Supreme Court applies to all judges and mayors.

It shall be the obligation of each mayor to conduct his court and his professional and personal relationships in accordance with the same standards as are required of judges of courts of record.

[Effective: January 1, 1975; amended effective February 1, 2002.]

**Traffic Rules Review Commission  
Commentary (February 1, 2002 Amendment)**

The amendment conforms the rule to the Compliance Provision of the Code of Judicial Conduct, which specifies that the Code applies to any person, “\* \* \* whether or not a lawyer, who is an officer of a judicial system performing judicial functions \* \* \*.”

**RULE 17. Traffic Case Scheduling**

**(A) Separate trial.** Traffic cases shall be tried separately from other cases except upon good cause shown.

**(B) Arraignment and trial by traffic division.** Where a court sits in divisions and one division is designated as traffic court, all traffic defendants shall, where practicable, be arraigned and tried in such division.

**(C) Arraignment and trial by traffic session.** Where a court not sitting in separate divisions designates a particular session as a traffic session, traffic defendants shall, where practicable, be arraigned and tried at such session.

**(D) Single-judge courts.** In single-judge courts, traffic cases shall, where practicable, be called before nontraffic cases. Uncontested traffic cases shall be disposed of first and contested cases scheduled for later hearing.

[Effective: January 1, 1975.]

**RULE 18. Continuances**

Continuances shall be granted only upon a written motion which states the grounds for the requested continuance.

When a court grants a continuance, it shall set a definite date for the hearing or trial.

[Effective: January 1, 1975.]

**RULE 19. Rule of Court**

The expression "rule of court" as used in these rules means a rule promulgated by the Supreme Court or a rule concerning local practice adopted by another court and filed with the Supreme Court. Local rules shall be supplementary to and consistent with these rules. Each court shall publish its local rules, distribute them within its jurisdiction, and keep copies for inspection.

[Effective: January 1, 1975.]

**RULE 20. Procedure not Otherwise Specified**

If no procedure is specifically prescribed by these rules, the Rules of Criminal Procedure and the applicable law apply.

[Effective: January 1, 1975.]

**RULE 21. Forms**

The forms contained in the Appendix of Forms are mandatory, except that additional copies of any portions of the ticket may be made. The reverse of the enforcement agency record shall be in the form prescribed by the issuing authority.

[Effective: January 1, 1975.]

**RULE 22. [Reserved]**

(Former Rule 22 entitled Review Commission was repealed effective January 1, 2006. The functions of the Review Commission were transferred to the Supreme Court Commission on the Rules of Practice and Procedure on that date.)

**RULE 23. Title**

These rules shall be known as the Ohio Traffic Rules and may be cited as "Traffic Rules" or "Traf.R. \_\_."

[Effective: January 1, 1975.]

**RULE 24. Effective Date**

**(A) Effective date of rules.** These rules take effect on January 1, 1975. They govern all proceedings in actions brought after they take effect, and also all further proceedings in actions then pending, except to the extent that their application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

**(B) Use of tickets conforming to prior rules.** Traffic tickets conforming to the requirements of the "Ohio Rules of Practice and Procedure in Traffic Cases For All Courts Inferior to Common Pleas" may be used after the effective date of these rules.

After the effective date of these rules, issuing authorities shall order only tickets conforming to these rules.

[Effective: January 1, 1975.]

**RULE 25. Effective Date of Amendments**

(A) The amendments to these rules and the Uniform Traffic Ticket adopted by the Supreme Court of Ohio on June 17, 1980 shall take effect on August 4, 1980.

(B) The amendments to the Uniform Traffic Ticket shall take effect on September 15, 1985. The amendment to Traffic Rule 22 shall take effect on July 27, 1988.

(C) The amendment to Traffic Rule 22, adopted by the Supreme Court on December 5, 1989, shall take effect on December 5, 1989.

(D) The amendments to Traffic Rules 3, 13, and 25, and the Uniform Traffic Ticket, adopted by the Supreme Court of Ohio on February 13, 1990, shall take effect on February 26, 1990.

(E) The amendments to Traffic Rules 3 and 7, adopted by the Supreme Court of Ohio on November 20, 1990, shall take effect on November 28, 1990.

(F) The amendments to Traffic Rule 3 and to the "Reverse of Defendant's Copy" of the Uniform Traffic Ticket, adopted by the Supreme Court of Ohio on March 16, 1992, shall take effect on June 1, 1992.

(G) The amendments to Traffic Rule 22, adopted by the Supreme Court of Ohio on August 17, 1994, shall take effect on September 19, 1994. The amendments to Traffic Rule 13 and to the Uniform Traffic Ticket, adopted by the Supreme Court of Ohio on August 17, 1994, shall take effect on November 1, 1994.

(H) The amendments to Traffic Rule 14, adopted by the Supreme Court of Ohio on July 10, 1996, shall take effect on September 1, 1996.

(I)(1) The amendments to Traffic Rule 13, adopted by the Supreme Court of Ohio on March 31, 1997, shall take effect on July 1, 1997.

(2) The amendments to the Uniform Traffic Ticket, adopted by the Supreme Court of Ohio on March 31, 1997, shall take effect on July 1, 1997. Through June 30, 1998, jurisdictions may use tickets printed in the format that was authorized prior to July 1, 1997. All tickets ordered for use on or after July 1, 1997 and all tickets used on or after July 1, 1998 shall conform to the format of the July 1, 1997 Uniform Traffic Ticket.

(J) The amendments to Traffic Rule 13, adopted by the Supreme Court of Ohio on March 30, 1999, shall take effect on May 3, 1999.

(K) The amendments to Traffic Rules 2, 3, 13, 13.1, 14, 16, and 25, adopted by the Supreme Court of Ohio on December 11, 2001, shall take effect on February 1, 2002.

(L) The amendments to Traffic Rules 2 and 22, adopted by the Supreme Court of Ohio on October 25, 2005, shall take effect on January 1, 2006.

(M) The amendments to Traffic Rules 3, 14, and 15, adopted by the Supreme Court of Ohio on August 8, 2006, shall take effect on October 1, 2006.

(N) The amendments to Traffic Rule 11, adopted by the Supreme Court of Ohio on December 11, 2007, shall take effect on February 1, 2008.

(O) The amendments to Traffic Rule 3, adopted by the Supreme Court of Ohio on April 22, 2008 shall take effect on May 1, 2008.

### **TEMPORARY PROVISION**

Notwithstanding Traffic Rule 3, the Bowling Green Municipal Court is authorized to develop and use a modified version of the Uniform Traffic Ticket in all moving traffic cases. The modified version of the Uniform Traffic Ticket shall be used by the Bowling Green Municipal Court beginning on a date not later than three months from October 21, 1991 and its use shall terminate one year from the date on which it is first used. As used in the Ohio Traffic Rules and defined by Traffic Rule 2, "traffic ticket" shall include the modified version of the Uniform Traffic Ticket in all moving traffic developed and used by the Bowling Green Municipal Court pursuant to this provision.

[Effective: October 21, 1991.]

## **TEMPORARY PROVISION**

Notwithstanding Traffic Rule 3, the Akron Municipal Court, Berea Municipal Court, Licking County Municipal Court, Newton Falls Municipal Court, Parma Municipal Court, Brown County Court, Broadview Heights Mayor's Court, Moraine Mayor's Court, North Royalton Mayor's Court, and the Ohio Highway Patrol are authorized to use the modified version of the Uniform Traffic Ticket approved by the Supreme Court Traffic Rules Review Commission in all moving traffic cases. The modified version of the Uniform Traffic Ticket shall be used by these courts and the Highway Patrol beginning on a date no earlier than April 1, 1996. The use of the modified Uniform Traffic Ticket shall continue for a period of six months from the date on which it is first used in the individual courts or by the Highway Patrol. As used in the Ohio Traffic Rules and defined by Traffic Rule 2, "traffic ticket" shall include the modified version of the Uniform Traffic Ticket used pursuant to this provision.

[Effective: April 1, 1996.]

## **TEMPORARY PROVISION**

A law enforcement officer who issues an automated traffic ticket is considered to have signed the ticket, for purposes of Traffic Rule 3(E), if the issuing officer properly authorizes the appearance of his or her facsimile signature on the ticket.

For purposes of this Temporary Provision:

(A) “Automated traffic ticket” means the computerized traffic citation developed by the Office of Criminal Justice Services, Ohio Highway Patrol, and local law enforcement agencies and courts and being used on a pilot project basis by the Licking County Sheriff’s Office, Newark Police Department, Heath Police Department, Licking County Municipal Court, Circleville Police Department, Pickaway County Sheriff’s Office, Circleville Municipal Court, the Circleville Post of the Ohio Highway Patrol, the Newark Post of the Ohio Highway Patrol, and the General Headquarters of the Ohio Highway Patrol.

(B) “Properly authorizes” means the issuing officer uses a secure password, in the manner demonstrated to the Traffic Rules Review Commission at its December 18, 1998 meeting, that, when entered, allows an electronic version of the his or her signature to appear on the automated traffic ticket and on any printed version of that ticket.

[Effective: January 12, 1999.]