

Rule 5. Traffic Practice

- 5.01 Traffic arraignment session. The judge so assigned shall arraign all persons charged with traffic offenses, and shall hear cases in which a plea of "guilty" or "no contest" shall be entered. Continuance within the session shall be made in accordance with Rule 1.01. The traffic arraignment session judge may refer in accordance with Rule 7.01(i) in which case explanation of defendant's option shall be made by the judge making the referral. The judge so assigned to traffic arraignment session shall exercise direction and control over the violations bureau and the violations clerk.
- 5.02 Individual assignment to the judge assigned to traffic arraignment session. The judge assigned to traffic arraignment session shall assign to his individual assignment docket the following types of cases: (1) those pending completion of a presentence investigation; (2) those cases assigned to driving school; and (3) those cases assigned to the alcohol safety program for education and evaluation.
- 5.03 Demands for jury or record trial. At arraignment, the defendant or counsel may request a jury trial, except for a minor misdemeanor, or a record trial by completion of the proper form. Defendant's counsel may appear in the clerk's office, second floor, 375 South High Street, prior to arraignment to complete the appropriate form in which event the plea and demand shall be entered by the clerk in court on the arraignment date in accordance with Ohio Criminal Rule 10(B). A plea or demand will not be accepted by telephone.
- 5.04 Traffic violations bureau. The traffic violations bureau is established and the clerk of courts is appointed to be its violations clerk, who shall collect fines paid to, give receipts for, and render accounts of the bureau.

The schedule of fines and costs which shall be charged by the violations bureau are established and are published as Schedule 5.04, "Fines and Costs in Traffic Cases".

The violations bureau will display prominently at the windows of its public counter, a court-approved statement of defendant's rights and schedule of fines. Upon a defendant's entry of a "not guilty" plea, the clerk shall assist the defendant in the preparation of a record demand form, or, where allowed and demanded, a jury demand form. For defendants and defendants' representatives who enter pleas of "not guilty" outside of the traffic arraignment session, the motions listed in Ohio Traffic Rules 11(B)(1) may be raised after plea but before trial.

When a defendant fails to appear on an offense which is a minor misdemeanor and subject to the TBS, the Clerk of Courts is empowered to accept any payment made by mail which is reasonable in light of the nature of the charge and all other circumstances.

Where payment is accepted pursuant to this rule in an amount less than the one set forth by

the fine schedule, all costs shall automatically be suspended. The pocket shall be stamped to read: "OISA - PAYMENT MADE - TBS - SUSPEND ALL COSTS PURSUANT TO COURT RULE 5.04".

Where payment is accepted pursuant to this rule in an amount set forth by the fine schedule the pocket shall be stamped to read: "OISA - PAYMENT MADE - TBS - PURSUANT TO COURT RULE 5.04".

- 5.05 Pretrial procedure. Pretrial procedure in traffic cases is regulated by Rule 4.08.
- 5.06 Use of electronically produced ticket. The use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Franklin County Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket.