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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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Legislative Budget
Office

H.B. 567
134th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 567's Bill Analysis](#)

Version: As Reported by Senate Judiciary

Primary Sponsors: Reps. Stewart and Brown

Local Impact Statement Procedure Required: Yes

Shaina Morris, Budget Analyst

Highlights

- The bill's requirement for clerks of courts of common pleas to make the court's general docket and certain document images available online will result in increased costs for those that need to purchase, upgrade, or maintain an online docket system. As of late 2021, there were 47 counties that did not have images published online and three that did not offer any online publication, dockets or otherwise. Costs will vary based on county population and caseload, the court's current case management system capability, and case management vendor.
- Clerks of courts of common pleas may incur some one-time administrative costs related to preparing documents for online publication, such as redacting information.

Detailed Analysis

Courts of common pleas – online docket systems

The bill requires that the clerks of courts of common pleas make available online on the clerk's website the "general docket" of the court for remote access and printing, including all individual documents in each case file pertaining to civil cases filed on or after the effective date of the bill. The bill states that the clerk of court is not required to make available online the general docket of the domestic relations division, the juvenile court, or the probate court. If the court does not have a domestic relations division, the general docket in domestic relation cases is not required to be made available online. The bill does not require case files and/or documents ordered to be removed from public access by the court or those prohibited by law to be available online, nor does it require case information from before the effective date of the bill to be made available online. The required information must be made available online not later than 18 months after the bill's effective date. The bill also permits pleadings or documents filed with

the clerk of court in paper format to be converted to electronic format, and documents created by the clerk to be created in electronic format. The bill grants immunity to a clerk of court who posts on its web site a case document with personal identifiers.

Most of Ohio's 88 counties have a case management and docketing system that is capable of some type of online access. According to the Ohio Clerk of Courts Association, as of August 2021, 38 counties have both the docket entries and case document images available for public access online. Presumably, these counties will be able to comply with the bill's requirement at little to no cost. Another 47 counties post docket entries online, but do not currently post case document images online. There are currently three counties that do not offer access to their docket or case document images online. Please see the attached "**Appendix**" for a list of counties that will either need to implement image scanning or upgrade their current case management system in order to comply with the bill's requirements.

Cost estimates to upgrade case management systems

In Ohio, courts are able to choose their own case management system vendor. Several vendors offer these services, two of which are Equivant/CourtView (services 60 counties) and Henchen & Associates (services 14 counties). According to a representative of Equivant/CourtView, 75% of the counties using their service currently have the ability to display case document images and the docket entries online using their existing purchased software. For counties that are not currently posting document images, it is generally due to reasons such as the need to redact certain information.

For counties that need to upgrade their current case management systems, there would likely be a one-time programming cost and potential ongoing maintenance and storage costs. Equivant/CourtView provided the following information as an example of the potential costs for those courts that utilize their system. These figures are only estimates and may not be reflective of what other vendors may charge. Counties that currently have no online case management system will incur additional costs that are indeterminate, but would likely be in the tens of thousands of dollars, or more. Total costs for each impacted clerk of court will differ based on county population and caseload, the court's current case management system, and case management vendor.

| Sample Estimates to Implement Online Imaging (Users of Equivant/CourtView) | |
|---|---------|
| One-Time Costs | |
| CMS Image Adaptor* | \$1,500 |
| iDMS Image Adaptor** (fee based on population) | \$6,500 |
| Services | \$3,900 |
| Recurring Annual Costs | |
| Maintenance (based on a 22% license fee) | \$1,760 |

*CMS – Case Management System

**iDMS – Integrated Database Management System

Clerks of courts of common pleas – other provisions

Board of county commissioners duties in relation to clerk of the court of common pleas

The bill replaces the specific list of items (e.g., blankbooks, including printed trial dockets, blanks, and stationary, etc.) required to be provided by the board of county commissioners to the clerk of the court of common pleas with more general language.

To the extent that this creates greater efficiencies in the management and support of the duties of the clerk of the court of common pleas by the board of county commissioners, such effect is likely to be minimal at most.

Records kept by the clerk of the court of common pleas

The bill removes the requirement that the clerk of the court of common pleas must keep at least four books and use materials that comply with the minimum standards prescribed by the National Bureau of Standards, and instead requires the clerk to keep records as indicated by the Rules of Superintendence for the Courts of Ohio. The bill aligns the requirements for recording orders made out of court with the Rules of Superintendence for the Courts of Ohio. Any costs, or potential savings, will depend upon how current recordkeeping practices differ from those indicated by the Rules of Superintendence for the Courts of Ohio.

Notary requirements

Notarial certificates

The bill makes multiples changes to notarial certificates and forms of acknowledgement, including, redefining “acknowledgment,” removing the requirement that the notarial certificate for an acknowledgment or jurat indicate the type of notarization being performed, adding a new form of acknowledgment for limited liability companies, and changing the authorized form of a jurat, from the signature of the person making the jurat (current law) to the “name of signer.” These changes are not expected to have a direct fiscal impact on the state or its political subdivisions.

Notary application criminal records check

The bill exempts peace officers from the requirement of obtaining a criminal records check as part of the officer’s application to be a notary public. Under current law, only Ohio-licensed attorneys are exempt from this requirement. To the extent that peace officers are currently obtaining criminal records checks as a part of the application to be a notary public, the bill could result in a negligible amount of lost revenue for these background check application fees. Entities that may be impacted by the revenue loss would include county sheriffs and the Bureau of Criminal Investigation (BCI) within the Office of the Attorney General.

Notarization requirements for certificate of title

The bill makes changes to notarization requirements as they relate to transfers of certain vehicles involving minors, certificates of motor vehicle titles, and nonresident purchases of a motor vehicle or a watercraft or outboard motor. These changes are not expected to have a discernible fiscal impact on the state or its political subdivisions.

Concurrent jurisdiction in PIVOT drug program

The bill provides that the Tiffin-Fostoria Municipal Court has concurrent jurisdiction indefinitely with the Seneca County Court of Common Pleas in drug abuse-related cases where an offender is admitted to participate in the Participating in Victory of Transition (PIVOT) drug recovery program. This provision effectively removes the original sunset of the authority to exercise concurrent jurisdiction in operating the PIVOT drug recovery program in the above-noted jurisdictions. As such, the provision has no new direct fiscal effect on the state or its political subdivisions.

Appendix

| Counties Impacted by H.B. 567 (CMS Upgrades Needed) | | |
|--|-----------|------------|
| Adams | Guernsey | Noble* |
| Allen | Harrison | Pickaway |
| Ashtabula | Henry | Pike |
| Auglaize | Highland | Preble |
| Belmont | Hocking | Putnam* |
| Brown | Holmes | Richland |
| Carroll | Knox | Ross |
| Champaign | Lake | Sandusky |
| Clark | Lawrence | Scioto |
| Clermont | Licking | Seneca |
| Clinton | Logan | Stark |
| Columbiana | Lorain | Tuscarawas |
| Crawford | Madison | Vinton |
| Defiance | Monroe | Warren |
| Fulton | Morgan* | Williams |
| Gallia | Morrow | Wyandot |
| Greene | Muskingum | |

*Shaded cells represent counties that do not publish online case imaging as well as any docket entries. Costs for these counties may be higher than those that only require imaging upgrades.