How to Use The Revised Code

New Legislative Staff Training

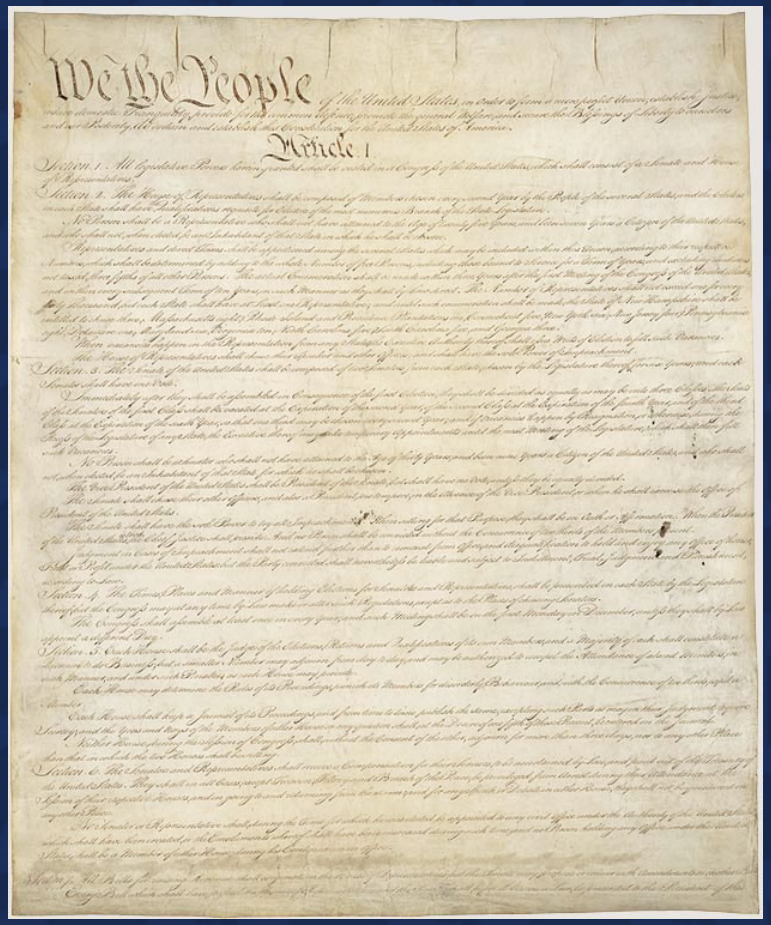
Ohio Legislative Service Commission

About this Course

- In this course, you will learn about the different types of law and how to effectively use the Ohio Revised Code. Most of Ohio's current laws are located in the Revised Code.
- If your employer is tracking your course completion, be sure to click on the course completion link at the end of the course.
- Additional reference:
  - The Ohio Revised Code

Sources of Federal Law

- The U.S. Constitution
- Statutes enacted by Congress
- Agency rules and regulations
  - Federal administrative rules are found in the Code of Federal Regulations.
- Common law
  - Made by federal courts as they decide cases.
  - Cases are available in print and online through paid services such as Westlaw and LexisNexis. Many cases are available free through websites such as Google Scholar.


We the People

Article 1

Sources of Ohio Law

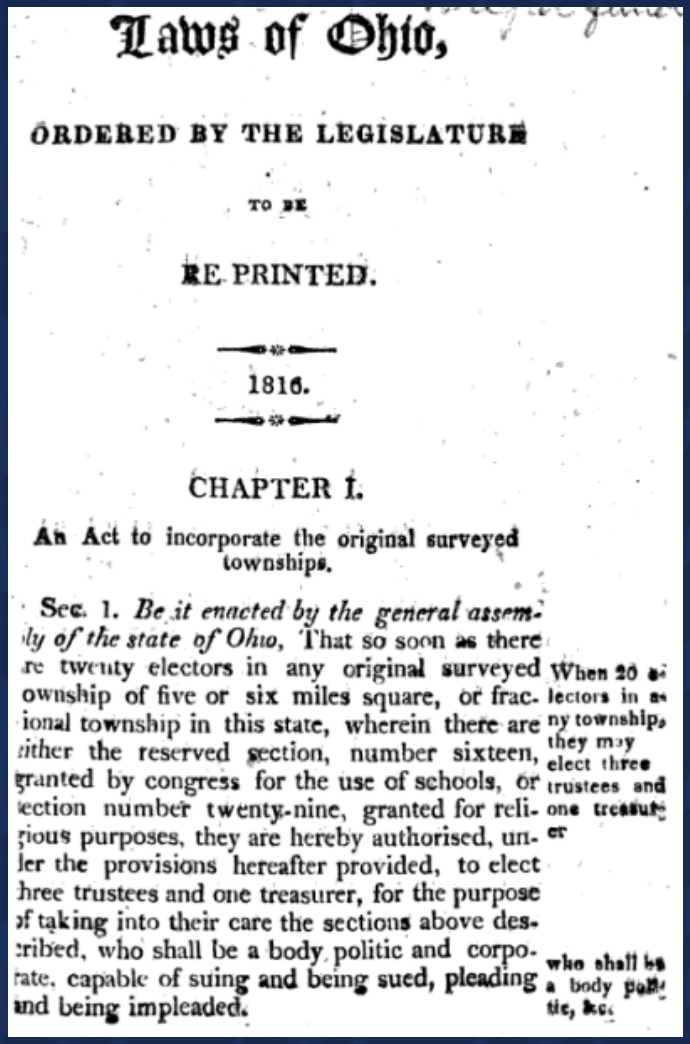
- The Ohio Constitution
- Statutes enacted by the General Assembly
  - This course focuses on the Ohio Revised Code and uncodified law.
- State agency rules
  - Administrative rules are found in the Ohio Administrative Code.
- Common law
  - Made by state courts as they decide cases.
  - Cases are available in print and online through paid services such as Westlaw and LexisNexis. Many cases are available free through websites such as Google Scholar.
- Local charters, ordinances, resolutions, and rules
  - The Ohio Constitution gives cities, villages, and chartered counties the power to govern themselves and adopt certain local laws.

Conflicts between Federal and State Law

- Through the U.S. Constitution, the states delegate to the federal government the power to regulate certain matters. On those matters, federal law supersedes state laws. For example, the federal government has exclusive authority over interstate commerce.
- All other powers are reserved to the states. In those areas, states may decide to accept, reject, or ignore federal law that is outside the scope of federal constitutional authority.
- However, Congress may persuade states to accept federal law, such as by granting or withholding federal funding.

Ohio Law Before the Revised Code

- The purpose of codification is to organize the laws using a rational system so that readers can easily find the law on a given topic, and so that new laws can be added in the logical places.
- Before 1880, Ohio's official laws existed only as acts of the General Assembly, published in the Laws of Ohio. Commercial publishers created their own codified versions of the law to assist readers.
- In 1880, the General Assembly organized Ohio law into the first official code, the Revised Statutes.
- In 1910, the laws were recodified (reorganized) as the General Code.



Laws of Ohio,

ORDERED BY THE LEGISLATURE

TO BE

RE-PRINTED.

1816.

CHAPTER I.

An Act to incorporate the original surveyed townships.

Sec. 1. *Be it enacted by the general assembly of the state of Ohio*, That so soon as there are twenty electors in any original surveyed township of five or six miles square, or fractional township in this state, wherein there are either the reserved section, number sixteen, granted by congress for the use of schools, or section number twenty-nine, granted for religious purposes, they are hereby authorised, under the provisions hereafter provided, to elect three trustees and one treasurer, for the purpose of taking into their care the sections above described, who shall be a body politic and corporate, capable of suing and being sued, pleading and being impleaded.

When 20 electors in any township, they may elect three trustees and one treasurer

who shall be a body politic, &c.

Creating the Ohio Revised Code

- In 1953, the laws were recodified again to create the Revised Code we use today. LSC was also created in 1953!
- The bill that created the Revised Code was H.B. 1 of the 100th G.A.
- At the time, it was the largest piece of legislation ever enacted by the General Assembly. The bill was 6,780 pages long and included 23,000 Revised Code sections. The General Assembly has since passed larger bills.

Codified and Uncodified Ohio Law

- When working with Ohio statutes, it is important to distinguish between codified and uncodified laws.
- Laws of a general and permanent nature are "codified," meaning that they are placed in the Ohio Revised Code and receive a Revised Code section number.
- Laws of a special or temporary nature are not codified.
  - These laws usually appear at the end of a bill.
  - A law typically will not be placed in the Revised Code if it does not apply everywhere in Ohio or if it is effective for less than three years.
  - Uncodified laws are still laws, but the text of the law appears only in the act that created them, not in the Revised Code.

Where to Find the ORC

- LSC is the official publisher of the Ohio Revised Code. It is available online at codes.ohio.gov.
- Commercial publishers also make the Revised Code available online through paid services such as LexisNexis and Westlaw.
- If you prefer hardcopy, several sets of the commercially published versions of the Revised Code (Page's and Baldwin's) are available. They can be found in:
  - The House and Senate chambers
  - The House and Senate Clerks' offices
  - The Senate members' lounge
  - Senate meeting rooms
  - The LSC Library

Structure of the ORC

- The ORC has a three-level structure:
  - Titles;
    - Chapters;
      - Sections.
- Each title covers a general topic and is made up of chapters that cover specific subtopics.
- Each chapter is made up of sections that contain the actual text of the law.

Titles of the Revised Code

General Provisions

1 State Government
3 Counties
5 Townships
7 Municipal Corporations
9 Agriculture-Animals-Fences
11 Financial Institutions
13 Commercial Transactions-Ohio Uniform Commercial Code
15 Conservation of Natural Resources
17 Corporations-Partnerships
19 Courts-Municipal-Mayor's-County
21 Courts-Probate-Juvenile
23 Courts-Common Pleas
25 Courts-Appellate
27 Courts-General Provisions-Special Remedies
29 Crimes-Procedure
31 Domestic Relations-Children
33 Education-Libraries
35 Elections
37 Health-Safety-Morals
39 Insurance
41 Labor and Industry
43 Liquor
45 Motor Vehicles-Aeronautics-Watercraft
47 Occupations-Professions
49 Public Utilities
51 Public Welfare
53 Real Property
55 Roads-Highways-Bridges
57 Taxation
58 Trusts
59 Veterans-Military Affairs
61 Water Supply-Sanitation-Ditches
63 Workforce Development

ORC Titles

- Each title in the Revised Code covers a general subject.
- Titles are officially numbered using Roman numerals, and references to a particular title often use those Roman numerals.
- For example, Title XXXI (Title 31) deals with domestic relations.

Title 17	Corporations-Partnerships
Title 19	Courts-Municipal-Mayor's-County
Title 21	Courts-Probate-Juvenile
Title 23	Courts-Common Pleas
Title 25	Courts-Appellate
Title 27	Courts-General Provisions-Special Remedies
Title 29	Crimes-Procedure
Title 31	Domestic Relations-Children
Title 33	Education-Libraries
Title 35	Elections
Title 37	Health-Safety-Morals

ORC Chapters

- The name of a chapter includes both the title and chapter number.
- For example, Chapter 3107 is the seventh chapter in Title XXXI (Title 31).
- Within the domestic relations title, Chapter 3107 addresses the broad topic of adoption.

Title 31 | Domestic Relations-Children
Ohio Revised Code

Chapter
Chapter 3101 | Marriage
Chapter 3103 | Husband And Wife
Chapter 3105 | Divorce, Alimony, Annulment, Dissolution Of Marriage
Chapter 3107 | Adoption
Chapter 3109 | Children
Chapter 3111 | Parentage
Chapter 3113 | Neglect, Abandonment, Or Domestic Violence
Chapter 3115 | Uniform Interstate Family Support Act of 2008
Chapter 3117 | Conciliation Of Marital Controversies
Chapter 3119 | Calculation Of Child Support Obligation - Health Insurance Coverage
Chapter 3121 | Collection and Disbursement of Child Support
Chapter 3123 | Defaults Under Child Support Orders
Chapter 3125 | Title IV-D Child Support Cases
Chapter 3127 | Uniform Child Custody Jurisdiction And Enforcement Act

ORC Sections

- The name of an ORC section includes the title, chapter, and section number.
- For example, R.C. 3107.01 is the first section in Chapter 3107, which is the seventh chapter of Title 31 (Title XXXI).
- Within the chapter on adoption, R.C. 3107.01 provides definitions related to adoption.

Chapter 3107 | Adoption

Ohio Revised Code / Title 31 Domestic Relations-Children

Expand All | Close All

Section
Section 3107.01 | Adoption definitions.
Section 3107.011 | Arranging adoptions.
Section 3107.012 | Applying for adoption by foster caregiver.
Section 3107.013 | Furnishing information to foster caregiver seeking to adopt child.

Section 3107.01 | Adoption definitions.

Ohio Revised Code / Title 31 Domestic Relations-Children / Chapter 3107 Adoption

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Effective: *March 22, 2001* ***Latest Legislation:*** *Senate Bill 180 - 125rd General Assembly*

PDF: *Download Authenticated PDF*

As used in sections 3107.01 to 3107.19 of the Revised Code:

(A) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.

ORC Section Numbering System

A Revised Code section number tells you the title, chapter, and section where the statute is located.

R.C. 3107.01

Title Chapter Section

Supplemental Sections

- Some Revised Code sections are "supplemental" sections, meaning that they are placed between other sections in a chapter to maintain a logical order.
- The first section that goes between 3107.01 and 3107.02 is numbered as section 3107.01<u>1</u>. The next supplemental section is 3107.01<u>2</u>.
- If a section number has more than two digits to the right of the decimal point, find the section based on what comes **after** those two digits.

R.C. 3107.011

Title Chapter Section

Tips for Using the ORC – #1 General Provisions

- Although it is a title, the General Provisions title is not numbered. Its chapters are numbered 1 through 9.
- This title includes, for example:
  - Definitions of generally used terms such as "person" and "week";
  - Rules of construction for interpreting statutes; and
  - State insignia, seals, and holidays.
- The state flag is described in R.C. 5.01.
- If a section number has only one digit before the decimal point, it is located in the General Provisions.

Ohio Revised Code

Title
General Provisions
Title 1 | State Government
Title 3 | Counties

General Provisions
Ohio Revised Code

Chapter
Chapter 1 | Definitions; Rules of Construction
Chapter 3 | Officer; Oaths; Bonds
Chapter 5 | State Insignia; Seals; Holidays
Chapter 7 | Process; Publication
Chapter 9 | Miscellaneous

Tips for Using the ORC – #2 State and Local Government Titles

- In general, the titles of the Revised Code are ordered alphabetically by topic, from Agriculture to Workforce Development.
- But, the first four numbered titles are reserved for state and local government topics:
  - Title I State Government
  - Title III Counties
  - Title V Townships
  - Title VII Municipal Corporations

Tips for Using the ORC – #3 Definitions

- Definitions of terms used in a chapter are often found in the .01 section of the chapter.

Section 3730.01 | Tattooing or body piercing services definitions.

Ohio Revised Code / Title 37 Health-Safety-Morals / Chapter 3730 Tattooing or Body Piercing Services

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Effective: *January 12, 1998* ***Latest Legislation:*** *House Bill 25 - 122nd General Assembly* ***PDF:*** *Download Authenticated PDF*

As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Body piercing" includes ear piercing except when the ear piercing procedure is performed with an ear piercing gun.

(C) "Business" means any entity that provides services for compensation.

- Sometimes, relevant definitions are located elsewhere:
  - In the section that uses the terms;
  - In the first section of the entire title; or
  - In Chapter 1 of the General Provisions.

Tips for Using the ORC – #4 Criminal Penalties

- Criminal penalties for violating a provision of a chapter are usually found in the .99 section of the chapter.
  - One exception is Title XXIX (Title 29), the Criminal Law, where the penalty for an offense is located in the section that describes the offense.
- Civil penalties may be located elsewhere.

Section 955.99 | Penalty.

Ohio Revised Code / Title 9 Agriculture-Animals-Fences / Chapter 955 Dogs

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Effective: *May 22, 2012* ***Latest Legislation:*** *House Bill 14 - 129th General Assembly* ***PDF:*** *Download Authenticated PDF*

(A)(1) Whoever violates division (E) of section 955.11 of the Revised Code because of a failure to comply with division (B) of that section is guilty of a minor misdemeanor.

(2) Whoever violates division (E) of section 955.11 of the Revised Code because of a failure to comply with division (C) or (D) of that section is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

(B) Whoever violates section 955.10, 955.23, 955.24, or 955.25 of the Revised Code is guilty of a minor misdemeanor.

(C) Whoever violates section 955.261, 955.39, or 955.50 of the Revised Code is guilty of a minor misdemeanor on a first offense and of a misdemeanor of the fourth degree on each subsequent offense.

Tips for Using the ORC – #5 Legislative History

- The published version of a Revised Code section usually lists the legislative history at the end of section – that is, the acts that have made changes to the section.

Section 1547.24 | Personal flotation devices required for child under 10.

Ohio Revised Code / Title 15 Conservation of Natural Resources / Chapter 1547 Watercraft And Waterways

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Effective: *September 14, 2016* ***Latest Legislation:*** *Senate Bill 293 - 131st General Assembly* ***PDF:*** *Download Authenticated PDF*

No person shall operate or permit to be operated any vessel under eighteen feet in length while there is present in the vessel any person under ten years of age, not wearing a coast guard approved wearable personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten years of age.

Available Versions of this Section

- June 12, 2008 – Senate Bill 271 - 127th General Assembly [View June 12, 2008 Version]
- September 14, 2016 – Senate Bill 293 - 131st General Assembly [View September 14, 2016 Version]

- R.C. sections found on codes.ohio.gov show only a partial legislative history. For the full history, see a commercial publisher's version of the section or ask the LSC Library for help.

Tips for Using the ORC – #6 Annotations

- Commercial publishers' versions of the Revised Code typically include additional notes at the end of each section.
- They include references to:
  - Related ORC and OAC (Ohio Administrative Code) sections;
  - Research aids and law review articles;
  - Other states' laws; and
  - Court cases and Attorney General opinions.
- For example, when a court rules a law unconstitutional, the law is not automatically removed from the Revised Code. The annotations for that section of law can tell you whether there is a relevant court case.
- These annotations are available online through paid services like Westlaw and LexisNexis and in bound volumes of the Revised Code. See the LSC Library for help accessing those resources.

Tips for Using the ORC #7 Indexes

- Commercial publishers' versions of the Revised Code include indexes to help you find statutes by subject.
- An index will include the term used in the ORC for a concept, as well as common synonyms that might not show up in a keyword search or in the table of contents.
  - For example, the term "joyriding" does not appear in the ORC, but an index will tell you that the ORC calls it "unauthorized use of a vehicle."
- In the bound volumes, an index is printed at the end of each title, and a general index is available as a separate paperback book found along with the volumes.

Tips for Using the ORC – #8 Updates

- Some sections of the Revised Code are amended frequently. It takes time for any published version to be updated after a change is enacted. Online versions are updated much more quickly than printed book versions.
- If you are using a bound volume of the Revised Code, check the back of the title for a paper booklet that slips into a pocket attached to the inside of the back cover. This "pocket part" is printed annually to reflect all of the changes that have occurred since the bound volume was printed.
- LSC can assist you in finding the most recent version of any statute.

Time for a pop quiz!

Question 1

True or False?

The only place to find the Ohio Revised Code is online.

Question 1 – Answer

False

The Ohio Revised Code is available in printed, bound volumes and also electronically.

Question 2

True or False?

Both federal and state laws can be found in the Ohio Revised Code.

Question 2 – Answer

False

The Ohio Revised Code contains all acts passed by the Ohio General Assembly that amend or enact codified law and are signed by the Governor or become law without the Governor's signature.

It does not contain federal laws.

Question 3

True or False?

The General Provisions are located in Titles I, III, V, and VII.

Question 3 – Answer

False

The General Provisions are not numbered with a title number.

Titles I, III, V, and VII are State Government, Counties, Townships, and Municipal Corporations.

Question 4

True or False?

Definitions are usually found in the .01 section of a chapter.

Question 4 – Answer

True

Definitions are usually found in the .01 section of a chapter. However, this is not an absolute requirement. Definitions may appear in sections other than the .01 section of a chapter.

Question 5

The most general classifications in the ORC are _____.

1. sections
2. titles
3. chapters

Question 5 – Answer

#2 is the correct answer.

Titles

Titles address broad subject areas within Ohio law and are the most general classifications in the ORC. Chapters within a title contain more specific areas of law, and sections are specific provisions of the law.

Question 6

Once it is assigned an ORC number, a statute is _____.

1. stratified
2. amended
3. effective
4. codified

Question 6 – Answer

#4 is the correct answer.

Codified

Sections of law that are of a general and permanent nature are codified, which means that they are assigned an ORC number during the bill drafting process.

Thank you for completing this course.

- Report your completion of this course
- Email Training@lsc.ohio.gov if you have any questions or comments about this course