

**OPINION NO. 88-092****Syllabus:**

1. R.C. 4507.021(F) does not require the Bureau of Motor Vehicles to record in accordance therewith any of the information appearing on the Violation Notices the Bureau receives from United States District Court clerks' offices, and that pertain to traffic law offenses that have occurred on federal property either within Ohio or outside Ohio.
2. R.C. 4509.05(B) does not require the Bureau of Motor Vehicles to include in a person's "record of convictions" any of the information appearing on the Violation Notices the Bureau receives from United States District Court clerks' offices, and that pertain to traffic law offenses that have occurred on federal property either within Ohio or outside Ohio.

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**To: William M. Denihan, Director, Department of Highway Safety, Columbus, Ohio**  
**By: Anthony J. Celebrezze, Jr., Attorney General, December 27, 1988**

You have requested my opinion on several questions addressed to specific duties and responsibilities conferred upon the Bureau of Motor Vehicles (BMV) and the Registrar of Motor Vehicles by R.C. 4507.021 (point system for license suspension) and R.C. 4509.05 (information to be furnished by registrar) respectively. Your letter provides the following background information, and describes the particular concerns that have arisen in this regard:

Certain United States District Court clerks' offices have been forwarding to BMV "Violation Notice(s)" (traffic citations) issued by officers of the Federal government for violations occurring under the jurisdiction of the United States. All of the citations involve persons who hold Ohio driver licenses. Where the traffic violation occurred on Federal property located in the State of Ohio, the tickets generally cite the section of the Ohio Revised Code which defines the violation. Where the violation occurs on Federal property outside the State of Ohio, the tickets cite an appropriate section of the Code of Federal Regulations or the law of the state where the infraction occurred.

All the notices contain boxes which the issuing officer is required to check in order to indicate whether a court appearance is mandatory or whether a court appearance is optional. Thus, in some situations, the individual has the option of either appearing in court to contest the citation or of forfeiting the collateral amount. All of the notices

contain statements indicating that the collateral amount was paid and the date it was paid. The "Optional Appearance" seems analogous to a bond forfeiture under R.C. 2935.27(E);<sup>1</sup> no guilty plea or waiver of trial appears on the notices. It should be noted that some versions of the Violation Notice form (i.e. Form No. 10-50 Revised 6-73, and DD Form 1805, 1 May 71) contain the legend, "Transcript of Court Conviction." Sample copies of the Violation Notices are enclosed.

It is unclear how these Violation Notices should be processed by BMV. The Registrar is required to maintain certain records under R.C.

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<sup>1</sup> R.C. 2935.27 provides for the deposit of an operator's or chauffeur's license, R.C. 2935.27(A)(1), or other security, R.C. 2935.27(A)(2), as bond for certain traffic offenses, by persons who are not residents of the court jurisdiction in which such offenses occur, and sets forth the procedures therefor, R.C. 2935.27(B)-(D). Subdivision (E) of R.C. 2935.27 further describes the consequences for such an offender who thereafter fails to appear in court as directed in the traffic citation issued to him at the time of the offense:

If a person, who was issued a citation and deposited his license as security for future appearances or to secure satisfaction of or compliance with any judgment of the court, 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 by the court, *the court may declare the forfeiture of the person's license.* Thirty days after the declaration of forfeiture, the court shall forward the person's license, to the registrar of motor vehicles. The registrar shall cancel the license and notify the person of the cancellation by certified mail at his last known address. No valid operator's or chauffeur's license shall be granted to the person for a period of one year after the cancellation, unless the court having jurisdiction of the offense that led to the cancellation requests the registrar of motor vehicles to reissue the license to its original date of expiration without additional fee or to permit the person to apply for a new license.

If the person who was issued the citation 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 and the person has deposited a sum of money or other security in relation to the citation under division (A)(2) of this section, *the deposit shall immediately be forfeited to the court.*

This section does not preclude further action as authorized by division (F) of section 2935.26 of the Revised Code. (Emphasis added.)

R.C. 2935.26 requires a law enforcement officer to issue a citation, under the conditions specified therein, to a person who commits a minor misdemeanor, rather than arrest such person. R.C. 2935.26(C) further provides that such offender may, in lieu of appearing at the time and place stated in the citation, and within seven days after the date of the issuance thereof, "[a]pppear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and pay the total amount of the fine and costs," R.C. 2935.26(C)(1), or "[s]ign the guilty plea and waiver of trial provision of the citation, and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation," R.C. 2935.26(C)(2). Finally, R.C. 2935.26(F) states that, in the case of an offender who fails to appear in court and does not comply with R.C. 2935.26(C), the court "may issue a supplemental citation, or a summons or warrant for the arrest of the offender pursuant to the Criminal Rules."

4507.021(F) and, by inference, under R.C. 4509.05. Although the Driver License Compact, R.C. 4507.60, requires BMV to take action upon receipt of a report of a conviction, the Federal government is not a party to such Compact; thus, the provisions of this Compact are inapplicable. Similarly, the Federal government is not a party to the Nonresident Violator Compact, R.C. 4511.95.<sup>2</sup> The opinion of the Attorney General is requested to advise BMV as to the appropriate manner by which BMV should process and dispose of the Violation Notices. (Footnotes added.)

With respect to the foregoing situation, you wish to know whether BMV is required by R.C. 4507.021 to record any of the Violation Notice information in its records, and further, whether BMV is required to include the action set forth in the Violation Notices in a traffic offender's record of convictions for purposes of R.C. 4509.05. Assuming an affirmative answer to either of these questions, you also wish to know what effect such information, as compiled and maintained by BMV, should thereafter be given.

R.C. Chapter 4507 comprises the Ohio driver's license law, and provisions contained therein address, *inter alia*, numerous aspects of the issuance, suspension, and revocation of the various types of Ohio driver's licenses, and the specific duties and responsibilities of BMV and the Registrar of Motor Vehicles in that regard. R.C. 4507.16-.20 in particular describe the circumstances in which a person's driver's license may be suspended or revoked, and also set forth the procedures therefor. *See, e.g.*, R.C. 4507.16 (suspension or revocation of license by a trial court in the case of individuals convicted of the traffic law offenses specified therein); R.C. 4507.162 (suspension of probationary or restricted license); R.C. 4507.163 (suspension of license that has been used to violate liquor laws); R.C. 4507.164 (impoundment of vehicle registration and license plates upon suspension or revocation of license); R.C. 4507.165 (suspension of license for passing a stopped school bus); R.C. 4507.166 (suspension of license for causing death while eluding or fleeing a police officer). Those sections either permit or require the suspension or revocation of a person's driver's license for the specific unlawful conduct described therein.

In addition to the foregoing provisions, R.C. 4507.021<sup>3</sup> authorizes the Registrar of Motor Vehicles to suspend the driver's license of any person who, as demonstrated by his past driving record, is a repeat traffic offender. R.C. 4507.021(K) reads as follows:

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<sup>2</sup> The Driver License Compact set forth in R.C. 4507.60 is an agreement subscribed to by individual states that provides for the reciprocal reporting by and among such states of traffic law convictions occurring in each state that involve defendants who have been issued operator's licenses by states other than the state in which such convictions have occurred. Article III of the compact thus states, in pertinent part, that the "licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee." Article IV of the compact in turn states that the "licensing authority in the home state, for the purpose of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state."

Similarly, the Nonresident Violator Compact set forth in R.C. 4511.95 is an agreement subscribed to by individual states that provides for uniform treatment of motorists who commit traffic offenses, and are issued citations therefor, in states other than the states in which they actually reside.

<sup>3</sup> The provisions of R.C. 4507.021 appeared formerly in R.C. 4507.40. *See* 1985-1986 Ohio Laws, Part I, 967, 980 (Am. Sub. S.B. 356, eff., in relevant part, Sept. 24, 1986) (amending the provisions of R.C. 4507.40 and renumbering that section as R.C. 4507.021).

When, upon determination of the registrar, any person has charged against him a total of not less than twelve points within a period of two years from the date of the first conviction within the two-year period, the registrar shall notify the person by certified mail to the licensee's last known address, that his driver's license shall be suspended for six months effective on the twentieth day after mailing the notice unless the licensee files a petition in the municipal court or the county court, or in case such person is under the age of eighteen years to the juvenile court, in whose jurisdiction such person resides, agreeing to pay the cost of the proceedings and alleging that the licensee can show cause why his driving privileges should not be suspended for a period of six months.

*See also* R.C. 4507.021(N) (setting forth the procedures that shall thereafter govern in those instances in which an individual who has been notified by the Registrar of Motor Vehicles pursuant to R.C. 4507.021(K) files a petition in court challenging the proposed suspension). Thus, under R.C. 4507.021(K), the Registrar of Motor Vehicles may, in accordance with the procedure described therein, suspend the driver's license of any person who has charged against him a total of not less than twelve points within a period of two years from the date of the person's first traffic offense conviction within such two-year period.

The remaining subdivisions of R.C. 4507.021 specify the various mechanisms by which the points referred to in R.C. 4507.021(K) are to be assessed against a traffic offender, and the method by which a comprehensive record thereof is to be compiled and maintained by BMV, on the basis of pertinent information furnished thereto by the trial courts that hear such cases. Thus, R.C. 4507.021(A)-(G) state, in pertinent part, as follows:

(A) *Every county court judge, mayor, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of sections 4511.01 to 4511.771, 4511.99, and 4513.01 to 4513.36 of the Revised Code, or of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets.*

(B) *Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any of such sections or other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways or streets, the county court judge, mayor, or clerk shall prepare and immediately forward to the bureau of motor vehicles an abstract of the court record covering the case in which the person was convicted or forfeited bail, which abstract shall be certified by the person required to prepare the same to be true and correct.*

(C) *The abstract shall be made upon a form approved and furnished by the bureau and shall include the name and address of the party charged, the number of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited, and the amount of the fine or forfeiture.*

(D) *Every court of record also shall forward a like report to the bureau upon the conviction of any person of homicide by vehicle or other felony in the commission of which a vehicle was used.*

(E) *The failure, refusal, or neglect of the officer to comply with this section constitutes misconduct in office and is ground for removal from the office.*

(F) *The bureau shall record within ten days and keep all abstracts received under this section at its main office and shall maintain records of convictions and bond forfeitures for any violation of law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways and streets, except as to parking a motor vehicle. The bureau also shall record any abstract of a case involving a first violation of division (D) of section 4511.21 of the Revised Code, whether or not points are to be assessed therefor, in such a manner that it becomes a part of the person's permanent record*

and assists a court in monitoring the assessment of points under division (G) of this section.

(G) *Every court of record or mayor's court* before which a person is charged with a violation for which points are chargeable by this section, *shall assess and transcribe to the abstract of conviction report, furnished by the bureau, the number of points chargeable by this section* in the correct space assigned on the reporting form. (Emphasis added.)

R.C. 4507.021(G) further sets forth a schedule of the number of points that are to be assessed by a court of record against a traffic offender with respect to each particular traffic law violation enumerated therein. R.C. 4507.021(G)(1)-(15). See also R.C. 4507.021(H) (deletion by BMV of points assessed for bond forfeiture in the event a person is acquitted of the offense for which he posted bond); R.C. 4507.021(I) (assessment of points in the event a person is convicted of, or forfeits bail for, two or more offenses arising out of the same facts); R.C. 4507.021(J) (warning letter to be sent by the Registrar of Motor Vehicles to a person whenever the points assessed against him exceed five); R.C. 4507.021(L) (remedial driving instruction for the purpose of obtaining a deletion of two points from a person's driving record).

Finally, R.C. 4509.05 addresses the responsibility of the Registrar of Motor Vehicles to furnish abstracts of information pertaining to certain motor vehicle accidents, R.C. 4509.05(A), and convictions for violations of the motor vehicle laws, R.C. 4509.05(B). With regard to the latter, R.C. 4509.05(B) provides as follows:

Upon request the registrar of motor vehicles shall search and furnish a certified abstract of the following information with respect to any person:

....  
Such person's *record of convictions* for violation of the motor vehicle laws.

The registrar shall collect for each abstract a fee of one dollar. (Emphasis added.)

See generally 1959 Op. Att'y Gen. No. 889, p. 587 (syllabus, paragraph one) (R.C. 4509.05(B) directs the Registrar of Motor Vehicles to furnish a record of convictions for violation of the motor vehicle laws, including convictions for violation of that portion of the motor vehicle laws designated as the driver's license law, which is contained in R.C. Chapter 4507, provided that such information is not obtained from the applications for drivers' licenses).

I now direct my attention to your specific questions. In your first question you have asked whether BMV is required by the terms of R.C. 4507.021 to record in accordance therewith any of the information appearing on the Violation Notices it receives from United States District Court clerks' offices. You state that the Violation Notices pertain, where appropriate, to traffic law violations that have occurred on federal property either within Ohio or outside Ohio. You have included several of these Violation Notices with your letter; they are, in fact, duplicate copies of the original Violation Notices that are issued to the traffic law offender. The copies are retained by the issuing law enforcement officer, and are then forwarded to the United States District Court clerk's office. They generally recite the following information: the offender's name, address, age, sex, race, height, weight, and operator's license number; the make, model, year, and license tag number of the vehicle driven by the offender; the date, time, and place of the violation in question, accompanied by a brief description thereof; and the issuing officer's identity and signature. In some instances, the Violation Notices also bear the superimposed legend, "Transcript of Court Conviction."

I am of the opinion that R.C. 4507.021 does not require BMV to record thereunder the information contained in the Violation Notices. I base this conclusion, in large part, upon the express language of R.C. 4507.021(F), and several provisions of the Ohio Traffic Rules, which I find helpful in elucidating the nature and precise scope of the duty conferred upon BMV by R.C. 4507.021(F).

R.C. 4507.021(F) specifically states that BMV "shall record within ten days and keep *all abstracts* received under [R.C. 4507.021] at its main office and shall

maintain records of convictions and bond forfeitures for any violation of law or ordinance regulating the operation of vehicles...on highways and streets." (Emphasis added.) R.C. 4507.021(B) and R.C. 4507.021(G) further identify those entities that are to furnish to BMV the abstracts referred to in R.C. 4507.021(F), and R.C. 4507.021(C) describes the information that is to be included therewith and the manner in which it shall be furnished. Thus, R.C. 4507.021(B) states that the "county court judge, mayor, or clerk shall prepare and immediately forward to [BMV] an abstract of the court record covering the case in which the person was convicted or forfeited bail, which abstract shall be certified by the person required to prepare the same to be true and correct." R.C. 4507.021(C) further states that the abstract "shall be made upon a form furnished by...[BMV]," and shall include the name and address of the party charged, the number of the party's driver license, the registration number of the vehicle involved, the nature and date of the offense, the date of the hearing, the plea, the judgment, or whether bail was forfeited, and the amount of the fine or forfeiture. Finally, R.C. 4507.021(G) provides that every court of record or mayor's court "shall assess and transcribe to the abstract of conviction report, furnished by [BMV], the number of points chargeable by [R.C. 4507.021] in the correct space assigned on the reporting form."

It is clear, therefore, that R.C. 4507.021(F) imposes a duty upon BMV to record and keep all abstracts of court records pertaining to traffic law violations that it receives under that section. R.C. 4507.021(B), (C), and (G) impose a concomitant duty upon every county court judge, mayor, and clerk of court to prepare such abstracts in the manner prescribed therein and forward them to BMV. The information thus furnished to BMV enables BMV to compile an accurate and detailed record of each traffic offender's convictions and bond forfeitures, and the number of points assessed therefor, which, in turn, enables the Registrar of Motor Vehicles to perform in an efficient and timely manner the license suspension duties assigned to him by R.C. 4507.021(J)-(N). Accordingly, the dispositive inquiry is whether the Violation Notices described in your letter qualify as abstracts of court records for purposes of R.C. 4507.021(F), such that BMV is required to record and maintain in its files the information that appears in those Violation Notices.

I conclude that the Violation Notices described in your letter do not qualify as abstracts of court records for purposes of R.C. 4507.021(F). On this point, I am persuaded that the word, "abstract," as used in R.C. 4507.021, is, in fact, a term of art intended to refer specifically to that information compiled by Ohio courts of record with respect to convictions and bond forfeitures in traffic law cases originating in and heard by those courts, which is thereafter transmitted to BMV in the statutorily-prescribed form. R.C. 4507.021(C) states that such abstracts "shall be made upon a form approved and furnished by [BMV]," and describes the information to be included on such form. The abstract form itself is further described and set forth in the Ohio Traffic Rules, which serve as a procedural adjunct to the substantive traffic law provisions of R.C. Title 29 (crimes; procedure) and R.C. Title 45 (motor vehicles; aeronautics; watercraft). In this regard, the Ohio Traffic Rules, which have been promulgated by the Ohio Supreme Court pursuant to authority conferred thereon by R.C. 2935.17 (authority of Ohio Supreme Court to provide for the uniform type and language to be used in any affidavit or complaint to be filed in any court inferior to the court of common pleas for violations of the motor vehicle and traffic acts) and R.C. 2937.46 (authority of Ohio Supreme Court to set uniform procedures in traffic cases), *see* Traf. R. 1(B), "prescribe the procedure to be followed in all courts of this state in traffic cases," Traf. R. 1(A). Rule 2 further defines the following pertinent terms as used throughout the Ohio Traffic Rules:

"Traffic case" means all proceedings involving violations of laws, ordinances and regulations governing the operation and use of vehicles, conduct of pedestrians in relation thereto, and governing weight, dimension, loads or equipment or vehicles drawn or moved on highways and bridges.

"Traffic ticket" means the traffic complaint and summons described in Rule 3 and which appears in the Appendix of Forms.

....

"Court" means municipal court, county court, juvenile court, police court and mayor's court.

"Judge" means judge of the municipal court, county court, juvenile court, mayor's court and police court.

....

"State" means this state, a county, city, village, township, other political subdivision or any other entity of this state which may prosecute a criminal action.

"Clerk of court" means the duly elected or appointed clerk of any court of record or police court, or the deputy of any of them, and the mayor of a municipal corporation having a mayor's court.

With respect to the type of complaint and summons to be used in traffic cases, Traf. R. 3(A) states that the complaint and summons "shall be the 'Ohio Uniform Traffic Ticket' as set out in the Appendix of Forms," and Traf. R. 3(B) specifically describes such ticket as follows:

The Ohio Uniform Traffic Ticket shall consist of four sheets, padded together and bound at the top or bottom edge. Each sheet shall be 4 1/4 inches in width and 9 1/2 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 R.C. [4507.021].*

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. (Emphasis added.)

*See also* Traf. R. 3(C) (use of the Ohio Uniform Traffic Ticket in all moving traffic cases); 3(D) (issuance of tickets to law enforcement agencies); 3(E) (duty of law enforcement officer who issues traffic ticket).

Thus, as Traf. R. 3 makes clear, the abstract of court record referred to in R.C. 4507.021 is, in fact, an integral component of the four part Ohio Uniform Traffic Ticket, and it is such abstract, as found therein and as displayed in the Appendix of Forms to the Ohio Traffic Rules, that is to be prepared by the appropriate Ohio courts and forwarded to BMV, in accordance with the terms of R.C. 4507.021(B), (C), and (G). Accordingly, the Violation Notices described in your letter do not qualify as abstracts of court records as understood by R.C. 4507.021 and Traf. R. 3. First, it is readily apparent that the Violation Notices described in your letter are not the same as the uniform traffic ticket prescribed by Traf. R. 3 for use in Ohio traffic cases. Rather, the Violation Notices are a type of traffic ticket devised by an agency of the federal government that are issued by federal law enforcement officers to persons who commit traffic violations on federal property. Thus, while the Violation Notices provide some of the same categories of information that are found on the Ohio Uniform Traffic Ticket, they do not duplicate in several respects the abstract of court record that is included as part of the uniform ticket. There is, for example, no certification included with the Violation Notices indicating that they are true and correct representations of the court records covering the traffic cases in question. More importantly, however, the Violation Notices, unlike the Ohio abstract of court record, make no provision for the assessment of points against the traffic offenders in accordance with the schedule set forth in R.C. 4507.021(G). As is evident from the express language of R.C. 4507.021(G), the assessment of points is a function conferred exclusively upon the presiding court, and there is no provision for the assumption of such responsibility by BMV. Absent the assessment of points in

conjunction with the Violation Notices,<sup>4</sup> however, the recording of the Violation Notices by BMV would be a pointless act in view of the fundamental purpose underlying the recording provisions of R.C. 4507.021. I conclude, therefore, that the Violation Notices in question are not abstracts of court records for purposes of R.C. 4507.021(F), and, accordingly, BMV is not required to record thereunder the information that appears on those Violation Notices.

In your second question you have asked whether BMV is required to include the action described on the Violation Notices in a person's record of convictions for purposes of R.C. 4509.05. R.C. 4509.05 states that, upon request, the Registrar of Motor Vehicles shall search and furnish, with respect to any person, a certified abstract of "[a]n enumeration of the motor vehicle accidents in which such person has been involved except accidents certified as described in [R.C. 3937.41(D)]," R.C. 4509.05(A), and "[s]uch person's record of convictions for violation of the motor vehicle laws," R.C. 4509.05(B). The duty of the Registrar in this particular regard is performed as a part of the implementation of the financial responsibility law, which comprises R.C. Chapter 4509. Generally speaking, the financial responsibility law is intended to safeguard the public-at-large and careful, responsible drivers against the actions of reckless and financially irresponsible drivers. *City of Toledo v. Bernoir*, 18 Ohio St. 2d 94, 100, 247 N.E.2d 740, 744-45 (1969) ("[t]he goal of the Ohio Financial Responsibility Act is to promote safety and to provide a strong incentive for motorists to make themselves financially responsible"). The law promotes this objective with provisions that "encourage owners and operators of motor vehicles on Ohio highways to obtain liability insurance sufficient in amount to protect others who might be injured through the negligent operation of a motor vehicle." *Iszczukiewicz v. Universal Underwriters Insurance Co.*, 182 F. Supp. 732, 735 (N.D. Ohio 1960), *affirmed*, 290 F.2d 590 (6th Cir. 1961). *See also True v. Currens*, 27 Ohio App. 3d 160, 162, 499 N.E.2d 1287, 1289 (Hamilton County 1985) ("[s]tated another way, the Act is intended to prevent an individual from becoming a motorist or from owning a motor vehicle unless he or she is able to be financially responsible for the consequences"). Thus, for example, the law provides for the compulsory reporting of accidents, R.C. 4509.06-.10; the deposit of security sufficient to satisfy any judgments for damages resulting from accidents so reported, and procedures therefor, R.C. 4509.11-.29; the suspension of a person's driver's license and vehicle registration following certain traffic offenses if the person fails to demonstrate adequate proof of financial responsibility for either those offenses or future offenses, R.C. 4509.31-.40; and, proof of financial responsibility in order to operate and register a motor vehicle, R.C. 4509.101; R.C. 4509.44-.47.

You specifically wish to know about the responsibility of BMV to include the information that appears on the Violation Notices as a part of a person's record of convictions under R.C. 4509.05(B). A member of your legal staff has informed me that the Registrar of Motor Vehicles routinely furnishes the certified abstracts of such records to various Ohio law enforcement authorities, insurance companies, and members of the general public who have been in automobile accidents.

I note initially that there is no provision in R.C. Chapter 4509, or any other chapter of R.C. Title 45, that either defines the phrase, "record of convictions," as used in R.C. 4509.05(B), or specifies the precise method by which BMV is to compile such a record for purposes of that statutory provision. It is, however, a longstanding rule of statutory construction that statutes that relate to the same subject matter or object are to be regarded as *in pari materia*, and thus construed in a similar manner. *State ex rel. Pratt v. Weygandt*, 164 Ohio St. 463, 132 N.E.2d 191 (1956); *Volan v. Keller*, 20 Ohio App. 2d 204, 253 N.E.2d 309 (Jefferson County 1969);

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<sup>4</sup> Such a responsibility is, furthermore, one that the Ohio General Assembly is powerless to confer upon the judicial branch of the federal government. Pursuant to article III, §1 of the United States Constitution ("[t]he judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish"), Congress has established the various federal district courts, *see* 28 U.S.C.S. §§81-132, and, thus, only Congress may enlarge or contract the authority of those courts.



*Beach v. Beach*, 99 Ohio App. 428, 134 N.E.2d 162 (Montgomery County 1955). This principle also requires that identical or similar words or phrases within such cognate provisions be construed in a like manner. In this instance, I find appropriate the application of this principle of statutory construction to the terms of R.C. 4507.021(F) and R.C. 4509.05(B) as a means of facilitating a clearer understanding of BMV's responsibility under the latter provision. In particular, R.C. 4507.021(F) states that BMV shall maintain "records of convictions" for any violation of law or ordinance that regulates the operation of vehicles on highways and streets. Similarly, R.C. 4509.05(B) states that the Registrar of Motor Vehicles shall, when requested, furnish a certified abstract of a person's "record of convictions" for violation of the motor vehicle laws, which, by clear implication, has been compiled by BMV. Thus, insofar as R.C. 4507.021(F) and R.C. 4509.05(B) both address the recordkeeping responsibilities of BMV with respect to traffic law convictions, one may reasonably conclude that the term, "record of convictions," as used in R.C. 4509.05(B), is to be read and construed *in pari materia* with R.C. 4507.021(F)'s use of that term. In particular, I am of the opinion that these terms are used in identical senses in these two statutes, and, therefore, refer to the same body of data compiled and maintained by BMV. As I have already noted, these records of convictions are compiled by BMV pursuant to R.C. 4507.021(F) on the basis of information that appears in the abstracts of court records that are forwarded to BMV pursuant to R.C. 4507.021(B), (C), and (G). As I have further noted, the duty of BMV in this regard encompasses only such information when it is furnished by way of the "abstract of court record" that is made a part of the Ohio Uniform Traffic Ticket. Because the Violation Notices described in your letter do not qualify as such "abstract[s]," it follows that BMV is not required to include the information appearing thereon in a person's record of convictions for purposes of R.C. 4509.05(B).

In light of my answer to your first and second questions, a consideration of your third question regarding the effect to be accorded the information in the Violation Notices is unnecessary. Accordingly, based upon the foregoing, it is my opinion, and you are advised that:

1. R.C. 4507.021(F) does not require the Bureau of Motor Vehicles to record in accordance therewith any of the information appearing on the Violation Notices the Bureau receives from United States District Court clerks' offices, and that pertain to traffic law offenses that have occurred on federal property either within Ohio or outside Ohio.
2. R.C. 4509.05(B) does not require the Bureau of Motor Vehicles to include in a person's "record of convictions" any of the information appearing on the Violation Notices the Bureau receives from United States District Court clerks' offices, and that pertain to traffic law offenses that have occurred on federal property either within Ohio or outside Ohio.