



Judicial Impact Statement

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SB 108 – Statutory Construction

SB 108

Sen. Obhof

Title Information

To eliminate the rule of construction regarding court’s considerations in determining the intention of the legislature when a statute is ambiguous.

Background

Interpretation of statutes is not the norm; most statutes are implemented. When a statute is clear – which is usually the case – no interpretation is necessary. Ohio case law illustrates this clearly. For example, in *Columbia Gas Transmission, LLC v. Ohio Valley Coal Co.* (2019-Ohio-1004), the 10th District stated that it is a “solidly established and long held principle that ‘where the language of a statute is plain and unambiguous and conveys a clear and definite meaning there is no occasion for resorting to rules of statutory interpretation. An unambiguous statute is to be applied, not interpreted.’” Ohio cases going back to 1916 and 1944 are cited in *Columbia Gas*.

Judicial Impact

Consistent with how existing R.C. 1.49 is written, Ohio courts have and continue to uniformly apply plain meaning, are not wandering away from the clear language of statutes absent ambiguity, and have used the same approach for more than 100 years. However, as long as there exists the possibility of an ambiguous statute, it helps to have the guidelines provided in R.C. 1.49. SB 108 would eliminate R.C. 1.49, which is rarely used but provides important guidance when needed.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio’s court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.