



MEMORANDUM

To: House Government Accountability and Oversight Committee
From: Representative Bill Seitz, Representative Jim Butler
Date: December , 2017
Re: HB 410 Sponsor Testimony

Thank you, Mr. Chairman, and members of the committee, for the opportunity to present House Bill 410 today.

This past summer the Ohio Supreme Court ruled 5-2 that Home Rule cities need not operate their traffic enforcement cameras in compliance with a state law that required a police officer to be present, tolerance for minor exceedances of the posted speed limit, and these cities having to perform traffic studies prior to using these cameras. The practical effect of this case outcome is that the law we passed in 2014 (SB 342) to regulate the use of these cameras is not applicable in the 188 (of 247) cities that have “home rule”, nor in the 75 villages (of 684) that do, but is applicable as to all townships, all but 2 counties, and the remaining cities and villages.

While we disagree with the Supreme Court’s decision, we must respect it. That is why we have introduced HB 410. It is critical to point out that this legislation DOES NOT look to ban or even regulate traffic enforcement cameras, but proposes to bring due process back to the people who receive mailed citations from traffic enforcement cameras, and to test the cities’ claims that these cameras are all about safety and not about revenue by taking the profit out of policing for profit.

HB 410 will do three things when enacted:

1. No longer will political subdivisions be able to issue traffic photo citations and then relegate the cited citizens to go through an administrative hearing before being able to have a court hearing. Instead, the political subdivision must bring the case in municipal court, pay the filing fee, and be represented by legal counsel. The cited citizens will now have the right to argue the violation in municipal court, as is the case now with most other asserted violations of a municipal ordinance.
2. The legislation will make political subdivisions that operate these cameras file a report with the state on the gross amount collected from the cameras. Once this report has been filed, the state will then subtract that gross amount from the Local Government Fund (“LGF”) that the political subdivision

receives. The simple theory here is that if political subdivisions choose to rely on red light/speed cameras to raise their revenue, they do not need our LGF money to that extent. If, as some cities contend, these programs are all about safety and not revenue enhancement, they should have no problem in the dollar for dollar reductions in their LGF funds, to which they have no legal entitlement, constitutional or otherwise, as the LGF represents simply discretionary funds provided by the state to help defray the expenses of local government.

3. Finally, to show that we care about road safety as much as do the cities that deploy red light and speed cameras, the legislation provides that any LGF monies that are withheld from political subdivisions to account for their camera revenues will be deposited in a new highway safety fund housed in the Ohio Department of Transportation to fund capital improvements promotive of safer roads.

Since introduction of HB 410, we have received numerous emails from constituents across the state applauding our efforts and passing along their support of HB 410. It is our hope that you will agree with these many constituents, and favorably pass HB 410 from this committee.

Again, we thank you for allowing us to present HB 410 today, and will be happy to answer any questions you may have.