



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

Margaret E. Marcy

### H.B. 255

132nd General Assembly  
(As Introduced)

**Reps.** Hambley, Rezabek, Slaby, DeVitis, Riedel, Becker, Arndt, Kick, Stein

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## BILL SUMMARY

- Grants a township officer who serves a township with a population greater than 5,000 (rather than greater than 50,000 as in current law) the authority to make an arrest for specified traffic offenses on an interstate highway.
- Prohibits a township officer from using a traffic law photo-monitoring device on an interstate highway.

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## CONTENT AND OPERATION

### Jurisdiction of township officers on interstate highways

The bill alters the arrest authority of a township officer who serves a township with a population greater than 5,000 but less than or equal to 50,000 on interstate highways within the officer's territorial jurisdiction. The arrest authority applies to the offenses listed in Table 2, below. Table 1 illustrates the arrest authority for township officers as altered by the bill:

**Table 1: Township officers arrest authority on highways**

Jurisdiction	Arrest Authority Before H.B. 255	Arrest Authority After H.B. 255 <sup>1</sup>
Township with a population of 5,000 or less	State highways and National highway system highways that are <i>not</i> interstate highways (for example, U.S. Route 23)	Same as before H.B. 255

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<sup>1</sup> R.C. 4513.39(B) and 2935.03(E)(2).

Jurisdiction	Arrest Authority Before H.B. 255	Arrest Authority After H.B. 255 <sup>1</sup>
Township with a population from 5,001 to 50,000	State highways and National highway system highways that are <i>not</i> interstate highways	State highways National highway system highways, <i>including</i> Interstate highways
Township with a population exceeding 50,000	State highways National highway system highways, <i>including</i> Interstate highways	Same as before H.B. 255

### Background: township officers and township officer jurisdiction

A township officer is a township constable or a member of the police force of a township police district or a joint police district. The territorial jurisdiction of such an officer includes the boundaries of the unincorporated area of a township or the boundaries of a township police district or joint police district.

A township police district is a district created by a board of township trustees that encompasses all or a portion of the township's unincorporated territory. A joint police district is a district created by the boards of two or more contiguous townships, or the boards of one or more contiguous townships and the legislative authorities of one or more contiguous municipal corporations encompassing all or any part of the townships or municipal corporations, as mutually agreed.<sup>2</sup>

**Table 2: Offenses for which jurisdiction is conferred to a township officer<sup>3</sup>**

<ul style="list-style-type: none"> <li>• Operating an unregistered motor vehicle or a motor vehicle for which the registration has expired (R.C. 4503.11);</li> <li>• Failing to display license plates (including a county identification sticker and validation sticker) (R.C. 4503.21);</li> <li>• Failing to comply with a pedestrian control signal (R.C. 4511.14);</li> <li>• Displaying an unauthorized traffic control device or displaying a traffic sign or signal that includes commercial advertising (R.C. 4511.16);</li> <li>• Operating a vehicle in willful or wanton disregard of safety (R.C. 4511.20 and 4511.201);</li> <li>• Operating a motor vehicle or agricultural tractor without being in reasonable control (R.C. 4511.202);</li> <li>• Wrongful entrustment of a motor vehicle (R.C. 4511.203);</li> </ul>
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<sup>2</sup> R.C. 4513.39(B), and R.C. 505.48 and 505.482, not in the bill.

<sup>3</sup> Under current law, the Ohio State Highway Patrol and county sheriffs also have jurisdiction over the vehicle-related offenses set forth in Table 2 committed on state highways outside of municipal corporations, including national and interstate highways. R.C. 4513.39(A).

- Texting while driving (R.C. 4511.204);
- Using a cellphone while driving (if under the age of 18) (R.C. 4511.205);
- Speeding (R.C. 4511.21, 4511.211, and 4511.23);
- Failing to proceed appropriately upon encountering a stationary public safety vehicle displaying emergency lights (R.C. 4511.213);
  - Operating a vehicle at an unreasonably slow speed (R.C. 4511.22);
  - Failing to proceed as required with regard to a vehicle proceeding in the opposite direction (R.C. 4511.26);
    - Failing to comply with the requirements governing passing vehicles (R.C. 4511.27, 4511.28, and 4511.29);
  - Driving on the left side of the road (R.C. 4511.30);
  - Driving the wrong way on a one-way road (R.C. 4511.32);
  - Failing to comply with lane use requirements (R.C. 4511.33);
  - Following another vehicle more closely than is authorized by law (R.C. 4511.34);
  - Operating a vehicle on the wrong side of a divided highway or through the dividing space or barrier (R.C. 4511.35);
  - Failing to comply with the requirements for turning at an intersection (R.C. 4511.36);
  - Making an unlawful u-turn (R.C. 4511.37);
  - Failing to comply with the law governing starting or backing up a vehicle (R.C. 4511.38);
    - Failing to signal or failing to exercise due care when changing lanes (R.C. 4511.39 and 4511.40);
    - Failing to yield the right-of-way when turning left (R.C. 4511.42);
    - Failing to comply with the law governing stop signs and yield signs (R.C. 4511.43);
    - Failing to stop prior to driving onto a sidewalk or the sidewalk area extending onto the roadway (R.C. 4511.431);
      - Failing to comply with a stop sign posted in a private residential area (R.C. 4511.432);
      - Failing to yield the right-of-way when entering or crossing a highway from any place other than another roadway (R.C. 4511.44);
      - Failing to yield the right-of-way to a pedestrian on a sidewalk or within a crosswalk (R.C. 4511.441 and 4511.46);
      - Failing to yield the right-of-way to a public safety or coroner's vehicle (R.C. 4511.45);
      - Failing to yield the right-of-way to a funeral vehicle (R.C. 4511.451);
      - Failing to yield the right-of-way to a blind pedestrian (R.C. 4511.47);
      - Failing to yield the right-of-way (as a pedestrian) (R.C. 4511.48);
    - Unlawfully passing a streetcar (R.C. 4511.58);
    - Unlawfully proceeding with regard to a streetcar (R.C. 4511.59);
    - Failing to properly stop at a railroad grade crossing (R.C. 4511.62, 4511.63, and 4511.64);
    - Stopping or parking on a highway (R.C. 4511.66);
    - Leaving a motor vehicle unattended (R.C. 4511.661);
    - Committing a parking violation (R.C. 4511.68 and 4511.69);

- Unlawfully parking on private property (R.C. 4511.681);
- Operating a vehicle if the view or control of the driver is obstructed or opening a vehicle door into traffic when prohibited (R.C. 4511.70);
  - Occupying a travel trailer or manufactured or mobile home while it is being used as a conveyance (R.C. 4511.701);
- Driving upon, along, or across, a closed highway (R.C. 4511.71);
- Failing to display headlights (R.C. 4513.03);
- Failing to ensure that a motor vehicle is equipped with headlights, at least one tail light, a license plate light, or a slow-moving vehicle emblem, as applicable (R.C. 4513.04, 4513.05, and 4513.11);
  - Failing to ensure that a motor vehicle pulling a trailer or semitrailer is equipped with reflectors (R.C. 4513.06);
  - Failing to comply with marking or stop light requirements for buses, trucks, commercial tractors, trailers, semitrailers, and pole trailers (R.C. 4513.07 and 4513.071);
  - Failing to properly indicate an oversized load (R.C. 4513.09);
  - Failing to display emergency lights on a vehicle that is parked or stopped on a roadway or an adjacent shoulder (R.C. 4513.10);
  - Operating farm machinery on a highway without the proper lighting and reflectors (R.C. 4513.111);
  - Failing to comply with headlight requirements (R.C. 4513.12, 4513.15, 4513.16, 4513.17, and 4513.19);
  - Displaying continuously lighted back-up lights (R.C. 4513.13);
  - Unlawfully using flashing lights (R.C. 4513.17 and 4513.171);
  - Failing to comply with the lighting requirements for snow removal equipment (R.C. 4513.18);
  - Failing to comply with the requirements for marking a vehicle used to transport preschool children (R.C. 4513.182);
  - Failing to comply with the requirements related to brake equipment (R.C. 4513.20);
  - Selling brake fluid that does not comply with the federal standards (R.C. 4513.201);
  - Selling brake lining, brake lining material, or brake lining assemblies that do not meet the minimum standards (R.C. 4513.202);
  - Failing to ensure a motor vehicle is equipped with a working horn (R.C. 4513.21);
  - Unlawfully equipping a vehicle with a siren, whistle, or bell (R.C. 4513.21);
  - Failing to use an operable muffler or using a vehicle that produces excessive smoke or gas (R.C. 4513.22);
  - Operating a motor vehicle that does not have a windshield or operating a motor vehicle with a sign, poster, or other nontransparent material on the windshield or side or rear windows (R.C. 4513.24);
    - Operating a motor vehicle with unlawfully tinted windows, installing unlawfully tinted windows, or selling a motor vehicle with unlawfully tinted windows (R.C. 4531.241);
    - Unlawfully displaying a decal on a side window (R.C. 4513.242);
  - Failing to ensure the tire of a vehicle has a proper tread (R.C. 4513.25);
  - Selling a vehicle not equipped with safety glass (R.C. 4513.26);
  - Operating a vehicle that is not equipped with electrical or mechanical directional

signals (R.C. 4513.261);

- Selling, leasing, renting, or operating a passenger car that is not properly equipped with seat belts (R.C. 4513.262);
- Failing to comply with seat belt use requirements (R.C. 4513.263);
- Failing to comply with the equipment requirements applicable to the operation of a truck, bus, or commercial tractor from sunset to sunrise (R.C. 4513.27);
- Failing to display appropriate warning devices with regard to a disabled vehicle (R.C. 4513.28);
- Failing to comply with the requirements applicable to a vehicle that is transporting explosives (R.C. 4513.29);
- Operating a passenger vehicle with a load that extends more than six inches beyond the line of the vehicle's left fenders (R.C. 4513.30);
- Failing to secure items being transported in a vehicle (R.C. 4513.31);
- Failing to comply with vehicle towing requirements (R.C. 4513.32);
- Failing to stop when signaled to do so by a horse-drawn vehicle or person on horseback (R.C. 4549.01);
- Displaying a counterfeit license plate or a license plate on a vehicle to which the license plate is not registered (R.C. 4549.08);
- Unauthorized use of an electronic clearance device, which allows a commercial motor vehicle to bypass a scale location (R.C. 4549.081);
- Operating a manufacturer's or dealer's motor vehicle without displaying placards (R.C. 4549.10);
- Operating a motor vehicle that is registered to a prior owner (R.C. 4549.11);
- Operating a motor vehicle that is registered in another state (if the operator is the owner of the motor vehicle and an Ohio resident) (R.C. 4549.12); or
- Concealing or destroying a vehicle or vehicle part, destroying a vehicle identification number (VIN) on a vehicle or vehicle part, or placing a counterfeit VIN number (R.C. 4549.62).

## Traffic law photo-monitoring devices

The bill prohibits a township officer from using a traffic law photo-monitoring device ("traffic camera") on interstate highways.<sup>4</sup> Current law authorizes a local authority, which includes townships, to utilize a traffic camera for the purpose of detecting traffic violations, subject to statutory conditions. As indicated above, the bill limits that authority for townships.

The existing statutory limitations on the use of traffic cameras are as follows:

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<sup>4</sup> R.C. 4511.093(C).



(1) A law enforcement officer must be present at the location of each camera at all times during the operation of the camera and the local authority must comply with signage, safety study, and public notice requirements;

(2) A law enforcement officer who is present at the location of the camera and who personally witnesses a traffic law violation may issue a standard criminal citation for the violation and is not required to comply with traffic camera-related procedural requirements or the limitations on the issuance of a ticket at specified speeds; and

(3) If a law enforcement officer does not issue a citation as provided above but a traffic law violation is recorded by a traffic camera, the local authority may only issue a civil citation for the violation and must comply with specified procedural requirements, including requirements related to the examination of evidence and hearing procedures.<sup>5</sup>

### Definitions

As used in the bill:

"Traffic law photo-monitoring device" means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces recorded images; and

"Traffic law violation" means the failure to comply with either a traffic signal indication (i.e. a traffic light requirement) or the failure to observe the applicable speed limit.<sup>6</sup>

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## HISTORY

ACTION	DATE
Introduced	05-31-17

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<sup>5</sup> R.C. 4511.093.

<sup>6</sup> R.C. 4511.092(K) and (L), not in the bill.

