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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 140
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Patton

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Summary

- Prohibits a local authority with a population of 200 or fewer from using traffic cameras.

Detailed Analysis

Limitations on the use of traffic cameras by local authorities

Current law authorizes a local authority to utilize a traffic law photo-monitoring device ("traffic camera") for the purpose of detecting traffic law violations, subject to statutory conditions. The bill limits that authority by specifying that no local authority with a population of 200 or fewer may use traffic cameras. Under current law, a "local authority" means a municipal corporation, county, or township (see **Comment**).¹

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.²

Comment

The provisions of the bill may infringe upon a municipal corporation's home rule authority under Article XVIII, Section 3 of the Ohio Constitution. See *Canton v. State*, 95 Ohio St.3d 149 (2002). The Ohio Supreme Court has routinely held that a municipal corporation may maintain a traffic camera program under its home rule authority (granted through Article XVIII

¹ R.C. 4511.093(B)(4) and 4511.092(D), not in the bill.

² R.C. 4511.092(K) and (L), not in the bill.

of the Ohio Constitution). *Dayton v. State*, 151 Ohio St.3d 168, 2017-Ohio-6909, ¶ 1; *Mendenhall v. Akron*, 117 Ohio St.3d 33, 2008-Ohio-270, 881 N.E.2d 255.

History

Action	Date
Introduced	03-19-19

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