



Ohio Legislative Service Commission 123rd House Bill Analysis

Am. Sub. H.B. 114

123rd General Assembly
(As Passed by the House)

Reps. Corbin, Terwilleger, Van Vyven, Winkler, Allen, O'Brien, Perry, Smith, Barrett

BILL SUMMARY

- Permits counties, townships, and municipal corporations to install traffic control signal photo-monitoring devices at intersections and decriminalizes violations for running red lights detected by those devices.
- Requires prior notice of the location of any such device to be published in a local newspaper for a specified period of time before the device may be used to monitor the intersection.
- Requires the placement of a sign at the intersection monitored by any such device that provides notice that the intersection is being monitored by the device.
- Provides that, unless an accident results from the violation, the first time a motor vehicle is detected by any such device as running the signal's red light, an owner cannot be issued a ticket but only may be issued a warning that the next time such a violation is detected by the device, the owner may be issued a ticket.
- Requires the Department of Transportation to adopt standards for those devices, develop and design the warning sign and adopt rules for their locations, and issue an annual report about the effectiveness of those devices used in this state.

CONTENT AND OPERATION

Traffic control signal photo-monitoring devices

Their authorized use and decriminalization of red light violations detected by them

The bill permits the legislative authorities of municipal corporations, counties, and townships to authorize the installation of a traffic control signal photo-monitoring device at any intersection: (1) that is located within the municipal corporation, county, or township, (2) that is under its control, (3) at which a traffic control signal is located that exhibits different colored lights, and (4) that the local authority has determined to be among the highest 10% of intersections in its jurisdiction where traffic accidents occur. The bill defines "traffic control signal photo-monitoring device" as an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with a traffic control signal to automatically produce photographs, videotape, or digital images of each vehicle that violates the instruction of (i.e., "runs") a red light of the traffic control signal. In order to have a traffic control signal photo-monitoring device, for a county or township, the board of county commissioners or board of township trustees must adopt a resolution to authorize its installation; for a municipal corporation, the legislative authority of the municipal corporation must adopt an ordinance to authorize its installation. (R.C. 4511.092(A) and (B).)

A local authority that authorizes the installation of a device under the bill must give notice of the intersection where the device will be located and the date the device will begin to monitor the intersection. The notice must be given daily for at least 14 days prior to the installation of the device in a newspaper of general circulation throughout its political subdivision. If there is not a daily newspaper circulated throughout the political subdivision, the notice must be given weekly for at least four weeks prior to the installation of the device in a weekly newspaper circulated throughout the political subdivision. The local authority also must place and maintain, at the intersection monitored by the device and in accordance with the Department of Transportation Manual and Specifications for a Uniform System of Traffic Control

Devices, a sign that the Department designates under the bill (see "**Duties of Department of Transportation**," below) and that provides notice that the intersection is being monitored by the device. (R.C. 4511.092(B).)

If a motor vehicle runs a red light and that violation is detected by a photo-monitoring device authorized and used under the bill, the violation *cannot be considered a criminal offense* for any purpose, nor can the person who commits the violation be arrested as a result of the violation. Instead, the violation generally must be treated in the same manner as an infraction under the existing Noncriminal Parking Infractions Laws (see "**Law enforcement image examination, warnings, and tickets**" and "**Answering a ticket**," below). Regarding the violation, the ordinance or resolution adopted to authorize the installation of the photo-monitoring device must include a *fine* for a red light violation detected by the device and prescribe an *additional penalty* or penalties for failure to answer any charges of the violation in a timely manner. The fine or additional penalty cannot (1) exceed the fine established by the municipal or county court having territorial jurisdiction over the entire or a majority of the political subdivision that adopted the ordinance or resolution, in its schedule of fines established under the Ohio Traffic Rules for a substantively comparable violation and (2) in any event, exceed \$100, plus costs and other administrative charges, per violation. (R.C. 4511.092(B).)

Law enforcement image examination, warnings, and tickets

The bill permits a law enforcement officer employed by the municipal corporation, county, or township that uses a traffic control signal photo-monitoring device under the bill to examine any photograph, videotape, or digital image recorded by the device *to determine whether a motor vehicle has "run" the signal's red light*. If the photograph, videotape, or digital image (1) shows an alleged violation, (2) contains a notation of the date and time of the alleged violation, and (3) permits the law enforcement officer to read the letters and numbers on at least one of the vehicle's license plates, the law enforcement officer may use any legal means to obtain the name and mailing address of the *vehicle's owner*. Generally, the law enforcement officer then may send a ticket charging the owner with a violation of the instruction of the red light of the traffic control signal. However, unless an accident results from the violation, the first time a motor vehicle is detected by the device as "running" the signal's red light, an owner cannot be issued a ticket but only may be issued a warning that the next time such a violation is detected by the device, the owner may be issued a ticket. (R.C. 4511.092(C).) *Traffic Rules 2 and 3 require the use of the Ohio Uniform Traffic Ticket for all moving traffic violations. That ticket is the complaint and summons for the case.*

Answering a ticket

A ticket issued under the bill is for a noncriminal violation and *generally* is to be enforced (including payment of the associated fine) as local noncriminal parking infractions are enforced under the Noncriminal Parking Infractions Law (R.C. Chapter 4521.). That Law provides for answering a ticket by (1) admission of the infraction by payment of the requisite fine, (2) admission of the infraction with an explanation of circumstances potentially mitigating the infraction, or (3) denial of the infraction with a request for a hearing.

The bill adds a fourth method of potentially answering a ticket issued under it: denial of the violation with either of two types of explanation. Under the fourth method, a motor vehicle's owner is entitled to establish *nonliability* for a violation of the instruction of a red light of a traffic control signal that is detected by a photo-monitoring device by denying the violation and by establishing (1) that the vehicle was in the care, custody, or control of a person other than the owner at the time of the violation under a written rental or lease agreement or (2) that the vehicle was stolen at the time of the violation. The owner may establish either of these occurrences by submitting within 60 days after receiving the ticket to the bureau or court that receives the owner's answer an affidavit or documentary evidence as follows: (1) in the case of a lease or rental, a copy of the written rental or lease agreement or an affidavit stating the name and address of the lessee or renter in possession of the vehicle at the time of the violation and (2) in the case of a stolen vehicle, a copy of a law enforcement agency report stating that the vehicle was reported as being stolen before the violation or an affidavit stating that the vehicle was stolen at the time of the violation. The bureau or court that receives the answer must determine if the explanation and the evidence submitted meets the standard to establish nonliability and notify the person, in writing, of its determination. (R.C. 4511.092(B), (D)(1), and (D)(2).)

If the owner of the vehicle is found not liable because the vehicle was rented or leased at the time of the violation, the bureau or court making that determination must notify the law enforcement officer who sent the ticket to the owner of that determination and provide the officer with the evidence establishing another individual as the vehicle's renter or lessee and, thus, its probable operator at the time of the violation. The officer then may issue a ticket for the violation to the renter or lessee, and that person may be charged with and liable for the violation to the same extent and may proceed in the same manner, as an originally charged owner. (R.C. 4511.092(D)(3).)

Duties of Department of Transportation

The bill requires the Department of Transportation to do all of the following (R.C. 4511.092(E); Section 2):

(1) Within six months after the bill's effective date, develop language and design a sign to provide notice that an

intersection is being monitored by a traffic control signal photo-monitoring device and adopt rules specifying where those signs are to be erected;

(2) Adopt standards for traffic control signal photo-monitoring devices and adopt the initial standards within six months from the bill's effective date (all photo-monitoring devices installed under the bill's provisions must meet those adopted standards);

(3) Annually collect information about the effectiveness of photo-monitoring devices used in Ohio and any other data about their use that it considers relevant;

(4) Issue a report annually setting forth that information and data and send a copy of the report to the President of the Senate and the Speaker of the House of Representatives.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	pp. 121-122
Reported, H. Local Gov't & Townships	06-17-99	pp. 889-890
Passed House (56-41)	06-24-99	pp. 949-953

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