

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 278

Senator Patton

A BILL

To amend sections 4511.092 and 4511.093 of the
Revised Code to prohibit a municipal corporation
or township that does not operate either a fire
department or an emergency medical services
organization from utilizing traffic law photo-
monitoring devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4511.092 and 4511.093 of the
Revised Code be amended to read as follows:

Sec. 4511.092. As used in sections 4511.092 to 4511.0914
of the Revised Code:

(A) "Designated party" means the person whom the
registered owner of a motor vehicle, upon receipt of a ticket
based upon images recorded by a traffic law photo-monitoring
device that indicate a traffic law violation, identifies as the
person who was operating the vehicle of the registered owner at
the time of the violation.

(B) "Hearing officer" means any person appointed by the
mayor, board of county commissioners, or board of township
trustees of a local authority, as applicable, to conduct

administrative hearings on violations recorded by traffic law photo-monitoring devices, other than a person who is employed by a law enforcement agency as defined in section 109.573 of the Revised Code.

(C) "Law enforcement officer" means a sheriff, deputy sheriff, marshal, deputy marshal, police officer of a police department of any municipal corporation, police constable of any township, or police officer of a township or joint police district, who is employed on a permanent, full-time basis by the law enforcement agency of a local authority that assigns such person to the location of a traffic law photo-monitoring device.

(D) "Local authority" means a municipal corporation, county, or township~~—~~, except that "local authority" does not include any municipal corporation that does not operate either a municipal fire department or a municipal emergency medical service organization or any township that does not operate either a township fire department or a township emergency medical service organization.

As used in division (D) of this section, "emergency medical service organization" means an organization operated by the municipal corporation or township that uses first responders, EMTs-basic, EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics to provide emergency medical services.

As used in division (D) of this section, "fire department" means a fire department of a municipal corporation or township, as applicable, but does not include a volunteer fire department.

(E) "Motor vehicle leasing dealer" has the same meaning as in section 4517.01 of the Revised Code.

(F) "Motor vehicle renting dealer" has the same meaning as 49
in section 4549.65 of the Revised Code. 50

(G) "Recorded images" means any of the following images 51
recorded by a traffic law photo-monitoring device that show, on 52
at least one image or on a portion of the videotape, the rear of 53
a motor vehicle and the letters and numerals on the rear license 54
plate of the vehicle: 55

(1) Two or more photographs, microphotographs, electronic 56
images, or digital images; 57

(2) Videotape. 58

(H) "Registered owner" means all of the following: 59

(1) Any person or entity identified by the bureau of motor 60
vehicles or any other state motor vehicle registration bureau, 61
department, or office as the owner of a motor vehicle; 62

(2) The lessee of a motor vehicle under a lease of six 63
months or longer; 64

(3) The renter of a motor vehicle pursuant to a written 65
rental agreement with a motor vehicle renting dealer. 66

(I) "System location" means the approach to an 67
intersection or area of roadway toward which a traffic law 68
photo-monitoring device is directed and is in operation. 69

(J) "Ticket" means any traffic ticket, citation, summons, 70
or other ticket issued in response to an alleged traffic law 71
violation detected by a traffic law photo-monitoring device, 72
that represents a civil violation. 73

(K) "Traffic law photo-monitoring device" means an 74
electronic system consisting of a photographic, video, or 75

electronic camera and a means of sensing the presence of a motor vehicle that automatically produces recorded images. 76
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(L) "Traffic law violation" means either of the following: 78

(1) A violation of section 4511.12 of the Revised Code 79
based on the failure to comply with section 4511.13 of the 80
Revised Code or a substantially equivalent municipal ordinance 81
that occurs at an intersection due to failure to obey a traffic 82
control signal; 83

(2) A violation of section 4511.21 or 4511.211 of the 84
Revised Code or a substantially equivalent municipal ordinance 85
due to failure to observe the applicable speed limit. 86

Sec. 4511.093. (A) A local authority may utilize a traffic 87
law photo-monitoring device for the purpose of detecting traffic 88
law violations. If the local authority is a county or township, 89
the board of county commissioners or the board of township 90
trustees may adopt such resolutions as may be necessary to 91
enable the county or township to utilize traffic law photo- 92
monitoring devices. 93

(B) The use of a traffic law photo-monitoring device is 94
subject to the following conditions: 95

(1) A local authority shall use a traffic law photo- 96
monitoring device to detect and enforce traffic law violations 97
only if a law enforcement officer is present at the location of 98
the device at all times during the operation of the device and 99
if the local authority complies with sections 4511.094 and 100
4511.095 of the Revised Code. 101

(2) A law enforcement officer who is present at the 102
location of any traffic law photo-monitoring device and who 103
personally witnesses a traffic law violation may issue a ticket 104

for the violation. Such a ticket shall be issued in accordance 105
with section 2935.25 of the Revised Code and is not subject to 106
sections 4511.096 to 4511.0910 and section 4511.912 of the 107
Revised Code. 108

(3) If a traffic law photo-monitoring device records a 109
traffic law violation and the law enforcement officer who was 110
present at the location of the traffic law photo-monitoring 111
device does not issue a ticket as provided under division (B) (2) 112
of this section, the local authority may only issue a ticket in 113
accordance with sections 4511.096 to 4511.0912 of the Revised 114
Code. 115

(C) No municipal corporation or township that is not a 116
local authority as defined in section 4511.092 of the Revised 117
Code shall utilize any traffic law photo-monitoring device. 118

Section 2. That existing sections 4511.092 and 4511.093 of 119
the Revised Code are hereby repealed. 120