As Passed by the Senate

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Sub. S. B. No. 340

Senator Patton

Cosponsors: Senators Brenner, Chavez, Cirino, Cutrona, Gavarone, Huffman, Johnson, Lang, Romanchuk, Schaffer

To amend section 4511.093 of the Revised Code to require elector approval for a municipal traffic camera program.

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

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

Sec. 4511.093. (A) A ~~local authority~~ municipal corporation may utilize a traffic law photo-monitoring device for the purpose of detecting traffic law violations only after obtaining the approval of the electors of the municipal corporation in accordance with this section. No county, township, or representative of a county or township shall utilize a traffic law photo-monitoring device to detect and enforce traffic law violations.

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

(1) A local authority shall use a traffic law photo-monitoring device to detect and enforce traffic law violations only if a law enforcement officer is present at the location of

the device at all times during the operation of the device and if the local authority complies with sections 4511.094 and 4511.095 of the Revised Code.

(2) A law enforcement officer who is present at the location of any traffic law photo-monitoring device and who personally witnesses a traffic law violation may issue a ticket for the violation. Such a ticket shall be issued in accordance with section 2935.26 of the Revised Code and is not subject to sections 4511.096 to 4511.0910 and section 4511.912 of the Revised Code.

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

(C)(1) The legislative authority of a municipal corporation shall adopt a resolution by a majority vote to submit a proposal to the electors of the municipal corporation if either of the following apply:

(a) After the effective date of this section, the municipal corporation wishes to begin utilizing a traffic law photo-monitoring device for the purpose of detecting traffic law violations.

(b) On or before the effective date of this section, the municipal corporation utilized a traffic law photo-monitoring device for purposes of detecting traffic law violations and wishes to modify, extend, or renew a contract in order to

continue to utilize the device for the purpose of detecting traffic law violations.

(2) The legislative authority shall certify the resolution to the board of elections of the county in which the most populous portion of the municipal corporation is located not later than ninety days before the day of the general or special election at which the proposal is to appear on the ballot.

(D) The form of the ballot shall be as follows:

"Shall the use of automated traffic cameras be allowed in (municipal corporation) to detect traffic law violations?

Yes	For the use of automated traffic cameras
No	Against the use of automated traffic cameras

"

(E) If the proposal is approved by a majority of the electors voting on it, the municipal corporation may utilize or continue to utilize a traffic law photo-monitoring device for the purpose of detecting traffic law violations.

Section 2. That existing section 4511.093 of the Revised Code is hereby repealed.