



To: Senate Local Government, Public Safety, and Veterans Affairs Committee
From: Representative Bill Seitz and Representative Hercel Craig
Date: September 12, 2017
Re: Joint Sponsor Testimony on House Bill 125

Chairman Uecker, Vice-Chair Wilson, Ranking Member Thomas, and members of the Senate Local

Government, Public Safety, and Veterans Affairs Committee thank you for allowing Representative Craig and me to give sponsor testimony on House Bill 125.

Since HB 125 pertains specifically to a village within Representative Craig's district, I will keep my comments brief. Many local jurisdictions that had their mayor's courts abolished in the 129th General Assembly responded by setting up "civil-violations systems". This gave jurisdictions, with a population under 200, the ability to fine drivers without ever having to report it to the BMV or the county court. The fines would be set by the local jurisdiction and they would receive all of the funds. It was brought to my attention that some villages were charging up to \$1,500 for some traffic citations. HB 125 looks to halt this unscrupulous practice by capping the fines in excess or not included in local municipal or county court's schedule of fines.

This bill, as presently constituted, will not prevent small villages from using photo enforcement devices and they still must follow the requirements of 2014's Senate Bill 342 if they do—a police officer must be

present, some speed tolerance is required, and traffic studies must document the need for red light and speed cameras. That is because the recent Supreme Court decision on SB 342 applied only to home rule cities not small villages. However, what HB 125 will do, as presently constituted, is forbid these villages from imposing fines in excess of the corresponding municipal or county court fine schedule for the same offense.

HB 125 will do one more thing. It has been the law for decades that township police have no traffic enforcement powers on the interstate highways. The only exception is for townships with populations exceeding 50,000. However, it came to my attention that there is at least one township that believes it can run photo enforcement civil violation cameras on the interstate, on the dubious theory that that is not the same as traffic enforcement because it results in a civil citation, not a traffic ticket. So, we amended HB 125 to ban townships from using photo enforcement civil violation cameras on the interstate to close that loophole. LSC has suggested a technical restatement of this prohibition with amendment 0403 that I hope you will adopt. That amendment also makes clear that we are not prohibiting township personnel from being on the interstates for purposes of lending mutual aid, as for example when there is an accident and additional help is needed.

The House passed House Bill 125 by a vote of 92-1, and we encourage your favorable consideration.

Chairman Uecker, thank you again for giving Representative Craig and I the opportunity to provide sponsor testimony on HB 125. We would be happy to answer any questions that the members of the committee may have at this time.