

# AN ACT

To amend section 2921.13 and to enact sections 4511.092, 4511.093, and 4511.094 of the Revised Code to establish conditions for the use of a traffic law photo-monitoring device to detect certain traffic law violations.

*Be it enacted by the General Assembly of the State of Ohio:*

SECTION 1. That section 2921.13 be amended and sections 4511.092, 4511.093, and 4511.094 of the Revised Code be enacted to read as follows:

Sec. 2921.13. (A) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:

- (1) The statement is made in any official proceeding.
- (2) The statement is made with purpose to incriminate another.
- (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
- (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention, and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance, as defined in section 9.66 of the Revised Code; or other benefits administered by a governmental agency or paid out of a public treasury.
- (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.
- (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
- (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
- (8) The statement is in writing and is made with purpose to induce another to extend credit to or employ the offender, to confer any degree, diploma, certificate of attainment, award of excellence, or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed

relies upon it to that person's detriment.

(9) The statement is made with purpose to commit or facilitate the commission of a theft offense.

(10) The statement is knowingly made to a probate court in connection with any action, proceeding, or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint, or other pleading, or an inventory, account, or report.

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

(12) The statement is made in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, and in conjunction with the furnishing to the seller of the firearm of a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(13) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the secretary of state, a county recorder, or the clerk of a court of record.

(14) The statement is made with purpose to obtain an Ohio's best Rx program enrollment card under section 5110.09 of the Revised Code or a payment from the department of job and family services under section 5110.17 of the Revised Code.

(15) The statement is made in an application filed with a county sheriff pursuant to section 2923.125 of the Revised Code in order to obtain or renew a license to carry a concealed handgun or is made in an affidavit submitted to a county sheriff to obtain a temporary emergency license to carry a concealed handgun under section 2923.1213 of the Revised Code.

(16) The statement is required under section 5743.72 of the Revised Code in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(17) The statement is made in a form submitted to a traffic violations bureau under section 4511.092 of the Revised Code in connection with a qualified traffic violation ticket issued in response to an alleged traffic law violation detected by a traffic law photo-monitoring device.

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

(C) No person, in an attempt to obtain a license to carry a concealed handgun under section 2923.125 of the Revised Code, shall knowingly present to a sheriff a fictitious or altered document that purports to be certification of the person's competence in handling a handgun as described in division (B)(3) of section 2923.125 of the Revised Code.

(D) It is no defense to a charge under division (A)(6) of this section that the oath or affirmation was administered or taken in an irregular manner.

(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false.

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), (6), (7), (8), (10), (11), (13), (14), or (16) of this section is guilty of falsification, a misdemeanor of the first degree.

(2) Whoever violates division (A)(9) of this section is guilty of falsification in a theft offense. Except as otherwise provided in this division, falsification in a theft offense is a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars or more and is less than five thousand dollars, falsification in a theft offense is a felony of the fifth degree. If the value of the property or services stolen is five thousand dollars or more and is less than one hundred thousand dollars, falsification in a theft offense is a felony of the fourth degree. If the value of the property or services stolen is one hundred thousand dollars or more, falsification in a theft offense is a felony of the third degree.

(3) Whoever violates division (A)(12) or (B) of this section is guilty of falsification to purchase a firearm, a felony of the fifth degree.

(4) Whoever violates division (A)(15) or (C) of this section is guilty of falsification to obtain a concealed handgun license, a felony of the fourth degree.

(5) Whoever violates division (A)(17) of this section is guilty of falsification in a qualified traffic violation statement. Except as otherwise provided in this division, falsification in a qualified traffic violation statement is a misdemeanor of the first degree. Falsification in a qualified traffic violation statement is a felony of the fifth degree if the offender previously has been convicted of a violation of division (A)(17) of this section within the previous twelve months.

(G) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a

result of prosecuting the civil action commenced under this division. A civil action under this division is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.

Sec. 4511.092. (A) As used in this section and section 4511.093 of the Revised Code:

(1) "Law enforcement agency" means any law enforcement agency of a local authority.

(2) "Law enforcement officer" means any law enforcement officer employed by a law enforcement agency of a local authority.

(3) "Local authority" means a municipal corporation, county, or township.

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

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

(6) "Qualified traffic violation" means a violation of any of the following:

(a) A traffic control signal;

(b) A railroad crossing sign or signal;

(c) Division (B)(1)(a) of section 4511.21 of the Revised Code that occurs in a school zone equipped with operating flashing lights giving notice that the school zone speed limit is in effect, or a substantially similar municipal ordinance that occurs under such conditions.

(7) "Ticket" means any traffic ticket, citation, summons, or other notice of liability issued in response to an alleged traffic law violation detected by a traffic law photo-monitoring device.

(8) "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 photographs, videotape, or digital images of the vehicle or its license plate.

(B) A local authority that authorizes the enforcement of traffic laws by means of traffic law photo-monitoring devices:

(1) Shall not enter into, renew, amend, modify, or make payment under a contract with a vendor for the installation or maintenance of the devices or the provision of any other services related to the devices if the contract involves payment to the vendor on a fee basis that is contingent upon the number of tickets issued or the amount of fines levied or collected by the local authority due to traffic law violations detected by the devices;

(2) Shall use the devices for the enforcement of a qualified traffic

violation and not for the purpose of enforcing other traffic laws, unless a law enforcement officer is present at the location of the device and issues the ticket at the time and location of the violation;

(3) Shall operate the devices from permanently fixed structures and not from portable platforms and shall conform the use of the devices to all standards developed by the department of transportation under section 4511.093 of the Revised Code, including the timing of yellow lights and yellow arrows on traffic control signals;

(4) At least thirty days before a traffic law photo-monitoring device becomes operational, shall erect a warning sign that conforms in size, location, and content with standards established by the department of transportation under section 4511.093 of the Revised Code and provide appropriate notice to local print and electronic media of the location of the device and the date the device will be operational;

(5) Shall prescribe a fine in an amount not exceeding the fine established by the municipal or county court having territorial jurisdiction over the entire or most of the political subdivision of the local authority, in its schedule of fines established pursuant to Traffic Rule 13(C), for a substantively comparable traffic law violation;

(6) Prior to requiring payment of any fine, shall provide any person who receives a ticket for a noncriminal qualified traffic violation detected by a traffic law photo-monitoring device with the opportunity for a hearing before a hearing examiner or referee of a traffic violations bureau to answer the allegation by an admission, a statement under division (E)(2) of this section, or a denial;

(7) Shall process all fines and costs from a traffic violation detected by a traffic law photo-monitoring device by a violations clerk of a traffic violations bureau established in accordance with Traffic Rule 13;

(8) May establish an administrative fee, in an amount not to exceed the fine prescribed in accordance with division (B)(5) of this section, to be imposed and collected by a hearing examiner or referee of a traffic violations bureau that enters a judgment against a person for a qualified traffic violation;

(9) Shall not use any such device to photograph, videotape, or produce a digital image of a vehicle operator for the purpose of determining whether a qualified traffic violation has occurred.

(C)(1) During the first thirty days a device is operational, the local authority shall issue only warning notices and shall not issue any ticket for any traffic law violation detected by the device.

(2) The local authority shall compile accident statistics for each traffic

control signal location of a traffic law photo-monitoring device and shall update the statistics two times per year. At least once in every twelve-month period after a device is operational, the local authority shall determine the change in the number of accidents at the location compared to the accident history at the intersection prior to installation of the device. If any subsequent twelve-month period shows a net increase in accidents compared to the accident history at the intersection prior to installation of the device, the local authority shall issue traffic control signal violation tickets at that location only if a law enforcement officer is present and issues the ticket at the time and location of the violation.

(D)(1) A law enforcement officer shall examine the image recorded by a traffic law photo-monitoring device to determine whether a qualified traffic violation has been committed. If the image shows an alleged violation, contains a notation of the date and time of the alleged violation, and permits the law enforcement officer to read the letters and numbers on the motor vehicle's rear license plate, the officer may issue a ticket to the vehicle owner, lessee, or renter. In the case of a leased or rented vehicle, the law enforcement officer shall not issue a ticket in the name of a motor vehicle leasing dealer or motor vehicle renting dealer.

(2) No ticket issued by mail for an alleged violation detected by a traffic law photo-monitoring device shall contain the vehicle owner's or operator's social security number, and no request for information from the owner of a motor vehicle shall request the owner to provide another person's social security number or driver's license number.

(3) A motor vehicle leasing dealer or motor vehicle renting dealer who receives a ticket for an alleged violation detected by a traffic law photo-monitoring device is not liable for a ticket issued for a vehicle that was in the care, custody, or control of a lessee or renter. A dealer who receives a ticket for such a violation may notify the law enforcement agency that issued the ticket of the vehicle lessee's or renter's identity, but in no case shall the dealer pay a ticket and then attempt to collect a fee or assess the lessee or renter a charge for any payment of such a ticket made on behalf of the lessee or renter.

(E) A person who receives a ticket for a noncriminal qualified traffic violation detected by a traffic law photo-monitoring device shall do one of the following:

(1) Sign the ticket and pay the fine.

(2) Submit to the traffic violations bureau a signed statement on a form that complies with the provisions of section 4511.094 of the Revised Code, that the vehicle owner, lessee, or renter was not operating the vehicle at the

time of the alleged violation or other evidence that explains the circumstances surrounding the violation or that constitutes a defense. The evidence may be submitted in person or, to avoid the necessity of personal appearance, may be sent by mail.

(3) Request a hearing from the traffic violations bureau concerning the violation. Upon receipt of a hearing request, the traffic violations bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing.

(F)(1) The local authority shall have the burden of proving a contested violation by a preponderance of evidence. A bureau that receives a statement under division (E)(2) of this section or other evidence with an explanation shall proceed in the same manner established in division (B)(2) of section 4521.06 of the Revised Code and promptly determine whether the evidence and explanation mitigates the fact that the person committed the violation, notify the person, in writing, of its determination, and determine the amount of the fine, if any. If the person fails to pay the amount of any fine due within thirty days after receiving notice of the bureau's determination and does not appeal that determination to the municipal or county court with jurisdiction for the local authority, the determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to division (F) of this section.

(2) A hearing examiner or referee of a traffic violations bureau shall conduct a hearing for a noncriminal qualified traffic law violation detected by a traffic law photo-monitoring device and any payment of a judgment against a person pursuant to this section shall be made and processed in the same manner as established in section 4521.08 of the Revised Code. Any person against whom a judgment is entered for such a violation may appeal the judgment in the same manner as established in section 4521.08 of the Revised Code.

(G) A traffic law violation detected solely by means of a traffic law photo-monitoring device shall not be considered a criminal offense for purposes of any driving record maintained by the bureau of motor vehicles, and no points shall be assessed for any such violation under section 4510.036 of the Revised Code.

Sec. 4511.093. (A) The department of transportation, in consultation with local governments, shall develop standards governing the use of traffic law photo-monitoring devices and shall include the standards in the appropriate departmental standards and policy documents, including the Ohio manual of uniform traffic control devices. The standards shall include

criteria for selecting locations at which the devices may be installed, size, location, and content standards for warning signs indicating the existence of a traffic law photo-monitoring device, and technical specifications that the devices and associated traffic signals must meet in order to be utilized by local authorities.

(B) At any intersection where a traffic law photo-monitoring device is installed, the time period during which the traffic control signal displays a yellow light or yellow arrow shall conform with the provisions contained in the manual adopted by the department pursuant to section 4511.09 of the Revised Code governing the time of display of yellow lights and yellow arrows by traffic control signals, and that time period shall not be shorter than the time period prescribed by that manual for intersections that are of the same type or have the same characteristics as the intersection at which the traffic control signal is located.

Sec. 4511.094. (A) A local authority that authorizes the enforcement of traffic laws by means of traffic law photo-monitoring devices shall prescribe an appropriate form for the signed statement required by division (E)(2) of section 4511.092 of the Revised Code. The local authority shall include the form with each ticket issued under section 4511.092 of the Revised Code for an alleged violation detected by a traffic law photo-monitoring device.

(B) The form shall contain all of the following:

(1) Basic instructions for completing the form, including an instruction that the person's signature on the form be notarized if the person who is signing the statement previously signed such a statement for an alleged violation detected by a traffic law photo-monitoring device in regard to a ticket issued by the same local authority within the previous twelve months;

(2) An instruction to include or attach any evidence that explains the basis for stating that the vehicle owner, lessee, or renter was not operating the vehicle at the time of the alleged violation or constitutes a defense;

(3) Notice in boldface type, stating: "ANY PERSON WHO KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION IN A QUALIFIED TRAFFIC VIOLATION STATEMENT UNDER SECTION 2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE ON A FIRST VIOLATION AND FELONY OF THE FIFTH DEGREE ON A SUBSEQUENT VIOLATION WITHIN TWELVE MONTHS.";

(4) A signature line for the person completing the form;

(5) A signature line for the notary public, when necessary.

SECTION 2. That existing section 2921.13 of the Revised Code is hereby

repealed.

SECTION 3. Any local authority that, on the effective date of this act, is a party to a contract with a vendor for the installation or maintenance of a traffic law photo-monitoring device, shall comply with division (B)(1) of section 4511.092 of the Revised Code immediately upon the effective date of this act if the existing contract obligates the local authority to payment on a fee basis that is contingent upon the number of tickets issued or amount of fines levied or collected by the local authority but the contract allows the severability of such payment provision based upon compliance with governing law. In all other cases, such local authority shall comply with division (B)(1) of section 4511.092 of the Revised Code whenever, after the effective date of this act, the local authority enters into a new contract or renews, amends, or modifies the existing contract.

SECTION 4. Not later than sixty days after the effective date of this act, any local authority using a traffic law photo-monitoring device to enforce traffic laws shall conform each existing device and the use of the device to the provisions of section 4511.092 of the Revised Code, including any standards established by the Department of Transportation pursuant to section 4511.093 of the Revised Code. Any ticket issued by a local authority for a traffic law violation detected more than sixty days after the effective date of this act by a device that does not conform to the provisions of this act is invalid.

SECTION 5. There is hereby created a legislative traffic law photo-enforcement study committee consisting of six members, as follows: (1) Three members of the Senate, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the Senate committee dealing primarily with highway matters, one of whom shall be appointed by the President of the Senate, and one of whom shall be appointed by the Minority Leader of the Senate; (2) Three members of the House of Representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairperson of the House of Representatives committee dealing primarily with highway matters, one of whom shall be appointed by the Speaker of the House of Representatives, and one of whom shall be appointed by the Minority Leader of the House of Representatives. The chairpersons of the respective Senate and House committees dealing with highway matters shall serve as co-chairpersons of the study committee and the Legislative Service Commission shall staff the study committee. The committee shall evaluate the use of traffic law photo-enforcement devices within Ohio, considering any testimony from citizens, local authorities using the devices, businesses that provide the devices, and other available information. Not later than six months after the effective date of this act, the committee shall make recommendations to the Majority and Minority Leaders of the Senate and House of Representatives concerning the use of traffic law photo-enforcement devices within Ohio.

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*Speaker \_\_\_\_\_ of the House of Representatives.*

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*President \_\_\_\_\_ of the Senate.*

Sub. H. B. No. 56

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Passed \_\_\_\_\_, 20\_\_\_\_

Approved \_\_\_\_\_, 20\_\_\_\_

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*Governor.*

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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*Director, Legislative Service Commission.*

Filed in the office of the Secretary of State at Columbus, Ohio, on the  
\_\_\_\_ day of \_\_\_\_\_, A. D. 20\_\_\_\_.

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*Secretary of State.*

File No. \_\_\_\_\_ Effective Date \_\_\_\_\_