

**As Re-reported by the Senate Highways and Transportation
Committee**

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Sub. H. B. No. 56

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A B I L L

To amend section 2921.13 and to enact sections 1
4511.092, 4511.093, and 4511.094 of the Revised 2
Code to establish conditions for the use of a 3
traffic law photo-monitoring device to detect 4
certain traffic law violations. 5

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

Section 1. That section 2921.13 be amended and sections 6
4511.092, 4511.093, and 4511.094 of the Revised Code be enacted to 7
read as follows: 8

Sec. 2921.13. (A) No person shall knowingly make a false 9
statement, or knowingly swear or affirm the truth of a false 10
statement previously made, when any of the following applies: 11

(1) The statement is made in any official proceeding. 12

(2) The statement is made with purpose to incriminate 13
another. 14

(3) The statement is made with purpose to mislead a public official in performing the public official's official function. 15
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(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. 17
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(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. 24
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(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. 27
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(7) The statement is in writing on or in connection with a report or return that is required or authorized by law. 29
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(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. 31
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(9) The statement is made with purpose to commit or facilitate the commission of a theft offense. 38
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(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. 40
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(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, 76
as defined in section 2923.11 of the Revised Code, shall knowingly 77
furnish to the seller of the firearm a fictitious or altered 78
driver's or commercial driver's license or permit, a fictitious or 79
altered identification card, or any other document that contains 80
false information about the purchaser's identity. 81

(C) No person, in an attempt to obtain a license to carry a 82
concealed handgun under section 2923.125 of the Revised Code, 83
shall knowingly present to a sheriff a fictitious or altered 84
document that purports to be certification of the person's 85
competence in handling a handgun as described in division (B)(3) 86
of section 2923.125 of the Revised Code. 87

(D) It is no defense to a charge under division (A)(6) of 88
this section that the oath or affirmation was administered or 89
taken in an irregular manner. 90

(E) If contradictory statements relating to the same fact are 91
made by the offender within the period of the statute of 92
limitations for falsification, it is not necessary for the 93
prosecution to prove which statement was false but only that one 94
or the other was false. 95

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 96
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 97
guilty of falsification, a misdemeanor of the first degree. 98

(2) Whoever violates division (A)(9) of this section is 99
guilty of falsification in a theft offense. Except as otherwise 100
provided in this division, falsification in a theft offense is a 101
misdemeanor of the first degree. If the value of the property or 102
services stolen is five hundred dollars or more and is less than 103
five thousand dollars, falsification in a theft offense is a 104
felony of the fifth degree. If the value of the property or 105
services stolen is five thousand dollars or more and is less than 106

one hundred thousand dollars, falsification in a theft offense is 107
a felony of the fourth degree. If the value of the property or 108
services stolen is one hundred thousand dollars or more, 109
falsification in a theft offense is a felony of the third degree. 110

(3) Whoever violates division (A)(12) or (B) of this section 111
is guilty of falsification to purchase a firearm, a felony of the 112
fifth degree. 113

(4) Whoever violates division (A)(15) or (C) of this section 114
is guilty of falsification to obtain a concealed handgun license, 115
a felony of the fourth degree. 116

(5) Whoever violates division (A)(17) of this section is 117
guilty of falsification in a qualified traffic violation 118
statement. Except as otherwise provided in this division, 119
falsification in a qualified traffic violation statement is a 120
misdemeanor of the first degree. Falsification in a qualified 121
traffic violation statement is a felony of the fifth degree if the 122
offender previously has been convicted of a violation of division 123
(A)(17) of this section within the previous twelve months. 124

(G) A person who violates this section is liable in a civil 125
action to any person harmed by the violation for injury, death, or 126
loss to person or property incurred as a result of the commission 127
of the offense and for reasonable attorney's fees, court costs, 128
and other expenses incurred as a result of prosecuting the civil 129
action commenced under this division. A civil action under this 130
division is not the exclusive remedy of a person who incurs 131
injury, death, or loss to person or property as a result of a 132
violation of this section. 133

Sec. 4511.092. (A) As used in this section and section 134
4511.093 of the Revised Code: 135

(1) "Law enforcement agency" means any law enforcement agency 136

<u>of a local authority.</u>	137
<u>(2) "Law enforcement officer" means any law enforcement officer employed by a law enforcement agency of a local authority.</u>	138 139
<u>(3) "Local authority" means a municipal corporation, county, or township.</u>	140 141
<u>(4) "Motor vehicle leasing dealer" has the same meaning as in section 4517.01 of the Revised Code.</u>	142 143
<u>(5) "Motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code.</u>	144 145
<u>(6) "Qualified traffic violation" means a violation of any of the following:</u>	146 147
<u>(a) A traffic control signal;</u>	148
<u>(b) A railroad crossing sign or signal;</u>	149
<u>(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.</u>	150 151 152 153 154
<u>(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.</u>	155 156 157
<u>(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.</u>	158 159 160 161 162
<u>(B) A local authority that authorizes the enforcement of traffic laws by means of traffic law photo-monitoring devices:</u>	163 164
<u>(1) Shall not enter into, renew, amend, modify, or make</u>	165

payment under a contract with a vendor for the installation or 166
maintenance of the devices or the provision of any other services 167
related to the devices if the contract involves payment to the 168
vendor on a fee basis that is contingent upon the number of 169
tickets issued or the amount of fines levied or collected by the 170
local authority due to traffic law violations detected by the 171
devices; 172

(2) Shall use the devices for the enforcement of a qualified 173
traffic violation and not for the purpose of enforcing other 174
traffic laws, unless a law enforcement officer is present at the 175
location of the device and issues the ticket at the time and 176
location of the violation; 177

(3) Shall operate the devices from permanently fixed 178
structures and not from portable platforms and shall conform the 179
use of the devices to all standards developed by the department of 180
transportation under section 4511.093 of the Revised Code, 181
including the timing of yellow lights and yellow arrows on traffic 182
control signals; 183

(4) At least thirty days before a traffic law 184
photo-monitoring device becomes operational, shall erect a warning 185
sign that conforms in size, location, and content with standards 186
established by the department of transportation under section 187
4511.093 of the Revised Code and provide appropriate notice to 188
local print and electronic media of the location of the device and 189
the date the device will be operational; 190

(5) Shall prescribe a fine in an amount not exceeding the 191
fine established by the municipal or county court having 192
territorial jurisdiction over the entire or most of the political 193
subdivision of the local authority, in its schedule of fines 194
established pursuant to Traffic Rule 13(C), for a substantively 195
comparable traffic law violation; 196

(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; 197
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(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; 204
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(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; 208
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(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. 213
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(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. 216
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(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 220
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in accidents compared to the accident history at the intersection 228
prior to installation of the device, the local authority shall 229
issue traffic control signal violation tickets at that location 230
only if a law enforcement officer is present and issues the ticket 231
at the time and location of the violation. 232

(D)(1) A law enforcement officer shall examine the image 233
recorded by a traffic law photo-monitoring device to determine 234
whether a qualified traffic violation has been committed. If the 235
image shows an alleged violation, contains a notation of the date 236
and time of the alleged violation, and permits the law enforcement 237
officer to read the letters and numbers on the motor vehicle's 238
rear license plate, the officer may issue a ticket to the vehicle 239
owner, lessee, or renter. In the case of a leased or rented 240
vehicle, the law enforcement officer shall not issue a ticket in 241
the name of a motor vehicle leasing dealer or motor vehicle 242
renting dealer. 243

(2) No ticket issued by mail for an alleged violation 244
detected by a traffic law photo-monitoring device shall contain 245
the vehicle owner's or operator's social security number, and no 246
request for information from the owner of a motor vehicle shall 247
request the owner to provide another person's social security 248
number or driver's license number. 249

(3) A motor vehicle leasing dealer or motor vehicle renting 250
dealer who receives a ticket for an alleged violation detected by 251
a traffic law photo-monitoring device is not liable for a ticket 252
issued for a vehicle that was in the care, custody, or control of 253
a lessee or renter. A dealer who receives a ticket for such a 254
violation may notify the law enforcement agency that issued the 255
ticket of the vehicle lessee's or renter's identity, but in no 256
case shall the dealer pay a ticket and then attempt to collect a 257
fee or assess the lessee or renter a charge for any payment of 258
such a ticket made on behalf of the lessee or renter. 259

(E) A person who receives a ticket for a noncriminal 260
qualified traffic violation detected by a traffic law 261
photo-monitoring device shall do one of the following: 262

(1) Sign the ticket and pay the fine. 263

(2) Submit to the traffic violations bureau a signed 264
statement on a form that complies with the provisions of section 265
4511.094 of the Revised Code, that the vehicle owner, lessee, or 266
renter was not operating the vehicle at the time of the alleged 267
violation or other evidence that explains the circumstances 268
surrounding the violation or that constitutes a defense. The 269
evidence may be submitted in person or, to avoid the necessity of 270
personal appearance, may be sent by mail. 271

(3) Request a hearing from the traffic violations bureau 272
concerning the violation. Upon receipt of a hearing request, the 273
traffic violations bureau shall set a date for the hearing and 274
notify the person, in writing, of the date, time, and place of the 275
hearing. 276

(F)(1) The local authority shall have the burden of proving a 277
contested violation by a preponderance of evidence. A bureau that 278
receives a statement under division (E)(2) of this section or 279
other evidence with an explanation shall proceed in the same 280
manner established in division (B)(2) of section 4521.06 of the 281
Revised Code and promptly determine whether the evidence and 282
explanation mitigates the fact that the person committed the 283
violation, notify the person, in writing, of its determination, 284
and determine the amount of the fine, if any. If the person fails 285
to pay the amount of any fine due within thirty days after 286
receiving notice of the bureau's determination and does not appeal 287
that determination to the municipal or county court with 288
jurisdiction for the local authority, the determination and the 289
amount of the fine due shall be considered a judgment and shall be 290

treated as if it were a judgment rendered subsequent to a hearing 291
held pursuant to division (F) of this section. 292

(2) A hearing examiner or referee of a traffic violations 293
bureau shall conduct a hearing for a noncriminal qualified traffic 294
law violation detected by a traffic law photo-monitoring device 295
and any payment of a judgment against a person pursuant to this 296
section shall be made and processed in the same manner as 297
established in section 4521.08 of the Revised Code. Any person 298
against whom a judgment is entered for such a violation may appeal 299
the judgment in the same manner as established in section 4521.08 300
of the Revised Code. 301

(G) A traffic law violation detected solely by means of a 302
traffic law photo-monitoring device shall not be considered a 303
criminal offense for purposes of any driving record maintained by 304
the bureau of motor vehicles, and no points shall be assessed for 305
any such violation under section 4510.036 of the Revised Code. 306

Sec. 4511.093. (A) The department of transportation, in 307
consultation with local governments, shall develop standards 308
governing the use of traffic law photo-monitoring devices and 309
shall include the standards in the appropriate departmental 310
standards and policy documents, including the Ohio manual of 311
uniform traffic control devices. The standards shall include 312
criteria for selecting locations at which the devices may be 313
installed, size, location, and content standards for warning signs 314
indicating the existence of a traffic law photo-monitoring device, 315
and technical specifications that the devices and associated 316
traffic signals must meet in order to be utilized by local 317
authorities. 318

(B) At any intersection where a traffic law photo-monitoring 319
device is installed, the time period during which the traffic 320
control signal displays a yellow light or yellow arrow shall 321

conform with the provisions contained in the manual adopted by the 322
department pursuant to section 4511.09 of the Revised Code 323
governing the time of display of yellow lights and yellow arrows 324
by traffic control signals, and that time period shall not be 325
shorter than the time period prescribed by that manual for 326
intersections that are of the same type or have the same 327
characteristics as the intersection at which the traffic control 328
signal is located. 329

Sec. 4511.094. (A) A local authority that authorizes the 330
enforcement of traffic laws by means of traffic law 331
photo-monitoring devices shall prescribe an appropriate form for 332
the signed statement required by division (E)(2) of section 333
4511.092 of the Revised Code. The local authority shall include 334
the form with each ticket issued under section 4511.092 of the 335
Revised Code for an alleged violation detected by a traffic law 336
photo-monitoring device. 337

(B) The form shall contain all of the following: 338

(1) Basic instructions for completing the form, including an 339
instruction that the person's signature on the form be notarized 340
if the person who is signing the statement previously signed such 341
a statement for an alleged violation detected by a traffic law 342
photo-monitoring device in regard to a ticket issued by the same 343
local authority within the previous twelve months; 344

(2) An instruction to include or attach any evidence that 345
explains the basis for stating that the vehicle owner, lessee, or 346
renter was not operating the vehicle at the time of the alleged 347
violation or constitutes a defense; 348

(3) Notice in boldface type, stating: "ANY PERSON WHO 349
KNOWINGLY FILES A FALSE STATEMENT IS GUILTY OF FALSIFICATION IN A 350
QUALIFIED TRAFFIC VIOLATION STATEMENT UNDER SECTION 2921.13 OF THE 351

REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE ON A 352
FIRST VIOLATION AND FELONY OF THE FIFTH DEGREE ON A SUBSEQUENT 353
VIOLATION WITHIN TWELVE MONTHS." ; 354

(4) A signature line for the person completing the form; 355

(5) A signature line for the notary public, when necessary. 356

Section 2. That existing section 2921.13 of the Revised Code 357
is hereby repealed. 358

Section 3. Any local authority that, on the effective date of 359
this act, is a party to a contract with a vendor for the 360
installation or maintenance of a traffic law photo-monitoring 361
device, shall comply with division (B)(1) of section 4511.092 of 362
the Revised Code immediately upon the effective date of this act 363
if the existing contract obligates the local authority to payment 364
on a fee basis that is contingent upon the number of tickets 365
issued or amount of fines levied or collected by the local 366
authority but the contract allows the severability of such payment 367
provision based upon compliance with governing law. In all other 368
cases, such local authority shall comply with division (B)(1) of 369
section 4511.092 of the Revised Code whenever, after the effective 370
date of this act, the local authority enters into a new contract 371
or renews, amends, or modifies the existing contract. 372

Section 4. Not later than sixty days after the effective date 373
of this act, any local authority using a traffic law 374
photo-monitoring device to enforce traffic laws shall conform each 375
existing device and the use of the device to the provisions of 376
section 4511.092 of the Revised Code, including any standards 377
established by the Department of Transportation pursuant to 378
section 4511.093 of the Revised Code. Any ticket issued by a local 379
authority for a traffic law violation detected more than sixty 380

days after the effective date of this act by a device that does 381
not conform to the provisions of this act is invalid. 382

Section 5. There is hereby created a legislative traffic law 383
photo-enforcement study committee consisting of six members, as 384
follows: (1) Three members of the Senate, no more than two of whom 385
shall be members of the same political party, one of whom shall be 386
the chairperson of the Senate committee dealing primarily with 387
highway matters, one of whom shall be appointed by the President 388
of the Senate, and one of whom shall be appointed by the Minority 389
Leader of the Senate; (2) Three members of the House of 390
Representatives, no more than two of whom shall be members of the 391
same political party, one of whom shall be the chairperson of the 392
House of Representatives committee dealing primarily with highway 393
matters, one of whom shall be appointed by the Speaker of the 394
House of Representatives, and one of whom shall be appointed by 395
the Minority Leader of the House of Representatives. The 396
chairpersons of the respective Senate and House committees dealing 397
with highway matters shall serve as co-chairpersons of the study 398
committee and the Legislative Service Commission shall staff the 399
study committee. The committee shall evaluate the use of traffic 400
law photo-enforcement devices within Ohio, considering any 401
testimony from citizens, local authorities using the devices, 402
businesses that provide the devices, and other available 403
information. Not later than six months after the effective date of 404
this act, the committee shall make recommendations to the Majority 405
and Minority Leaders of the Senate and House of Representatives 406
concerning the use of traffic law photo-enforcement devices within 407
Ohio. 408