

**As Reported by the Senate Highways and Transportation
Committee**

**126th General Assembly
Regular Session
2005-2006**

Sub. H. B. No. 56

**Representatives Raussen, Seitz, Brinkman, McGregor, D. Evans, Fessler,
Aslanides, Reidelbach, Gilb, Buehrer, Hood, Daniels, Taylor, Martin, Gibbs,
Faber, Raga, Blessing, Schneider, Uecker, Bulp, J. Stewart, Schaffer,
Webster, Key, Law, Widowfield, Calvert, Coley, Collier, Flowers, Hughes,
T. Patton, Peterson, Seaver, Setzer, Trakas, Yates**

—

A B I L L

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

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

Section 1. That sections 4511.092 and 4511.093 of the Revised 5
Code be enacted to read as follows: 6

Sec. 4511.092. (A) As used in this section and section 7
4511.093 of the Revised Code: 8

(1) "Law enforcement agency" means any law enforcement agency 9
of a local authority. 10

(2) "Law enforcement officer" means any law enforcement 11
officer employed by a law enforcement agency of a local authority. 12

(3) "Local authority" means a municipal corporation, county, 13
or township. 14

(4) "Motor vehicle leasing dealer" has the same meaning as in section 4517.01 of the Revised Code. 15
16

(5) "Motor vehicle renting dealer" has the same meaning as in section 4549.65 of the Revised Code. 17
18

(6) "Qualified traffic violation" means a violation of either of the following: 19
20

(a) A traffic control signal; 21

(b) A railroad crossing sign or signal. 22

(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. 23
24
25

(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. 26
27
28
29
30

(B)(1) A local authority that authorizes the enforcement of traffic laws by means of traffic law photo-monitoring devices shall do all of the following: 31
32
33

(a) Enter into a contract with a vendor for the installation or maintenance of the devices or the provision of any other services related to the devices only if the contract involves payment to the vendor on a fee basis that is not 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; 34
35
36
37
38
39
40

(b) Use the devices only for the enforcement of a qualified traffic violation, 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; 41
42
43
44

(c) Conform the use of the devices to all standards developed 45
by the department of transportation under section 4511.093 of the 46
Revised Code, including the timing of yellow lights and yellow 47
arrows on traffic control signals; 48

(d) At least thirty days before a traffic law 49
photo-monitoring device becomes operational, erect a warning sign 50
that conforms in size, location, and content with standards 51
established by the department of transportation under section 52
4511.093 of the Revised Code and provide appropriate notice to 53
local print and electronic media of the location of the device and 54
the date the device will be operational; 55

(e) Prescribe a fine in an amount not exceeding the fine 56
established by the municipal or county court having territorial 57
jurisdiction over the entire or most of the political subdivision 58
of the local authority, in its schedule of fines established 59
pursuant to Traffic Rule 13(C), for a substantively comparable 60
traffic law violation; 61

(f) Prior to requiring payment of any fine, provide any 62
person who receives a ticket for a noncriminal traffic law 63
violation detected by a traffic law photo-monitoring device with 64
the opportunity for a hearing before a hearing examiner or referee 65
of a traffic violations bureau to answer the allegation by an 66
admission, an admission with a mitigating explanation, or a 67
denial; 68

(g) Process all fines and costs from a traffic violation 69
detected by a traffic law photo-monitoring device by a violations 70
clerk of a traffic violations bureau established in accordance 71
with Traffic Rule 13. 72

(2) A local authority that authorizes the enforcement of 73
traffic laws by means of traffic law photo-monitoring devices may 74
establish an administrative fee, in an amount not to exceed the 75

fine prescribed in accordance with division (B)(1)(e) 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 who denied committing the violation.

76
77
78
79

(3) A local authority that authorizes the enforcement of
traffic laws by means of traffic law photo-monitoring devices
shall not use any such device to photograph, videotape, or produce
a digital image of a vehicle operator for the purpose of enforcing
traffic laws.

80
81
82
83
84

(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.

85
86
87
88

(2) The local authority shall compile accident statistics for
each location of a traffic law photo-monitoring device and shall
update the statistics for each location two times per year. For
every twenty-four-month period after the device is installed, the
local authority shall determine the change in the number of
accidents at the location. If any twenty-four-month period shows
an increase in the number of accidents at the location, the local
authority shall either remove the device or shall allow the use of
the device to continue only if a law enforcement officer is
present at the location of the device and issues the ticket at the
time and location of the violation.

89
90
91
92
93
94
95
96
97
98
99

(D)(1) Only a law enforcement officer may examine the image
recorded by a traffic law photo-monitoring device to determine
whether a motor vehicle operator has committed a qualified traffic
violation. 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

100
101
102
103
104
105
106

issue a ticket to the vehicle owner. 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.

107
108
109
110

(2) No ticket issued by mail for an alleged violation
detected by a traffic law photo-monitoring device shall contain
the vehicle owner 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.

111
112
113
114
115
116

(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 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.

117
118
119
120
121
122
123
124
125
126

(E) Upon receipt of a ticket for a noncriminal traffic law
violation detected by a traffic law photo-monitoring device:

127
128

(1) A person who admits committing the violation shall sign
the ticket and pay the fine.

129
130

(2) A person who admits committing the violation with a
mitigating explanation shall submit evidence to the traffic
violations bureau that explains the circumstances surrounding the
violation. The evidence may be submitted in person or, to avoid
the necessity of personal appearance, may be sent by mail as
affidavits and other documentary evidence. A bureau that receives
an answer admitting that a person committed a violation with

131
132
133
134
135
136
137

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 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
ten days after receiving notice of the bureau's determination, 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.

138
139
140
141
142
143
144
145
146
147
148

(3) A person who denies committing the violation shall answer
with a denial and 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.

149
150
151
152
153
154

(F) A hearing examiner or referee of a traffic violations
bureau shall conduct a hearing for a noncriminal 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.

155
156
157
158
159
160
161
162
163

(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.

164
165
166
167
168

Sec. 4511.093. (A) The department of transportation shall 169
develop standards governing the use of traffic law 170
photo-monitoring devices and shall include the standards in the 171
appropriate departmental standards and policy documents, including 172
the Ohio manual of uniform traffic control devices. The standards 173
shall include criteria for selecting locations at which the 174
devices may be installed, size, location, and content standards 175
for warning signs indicating the existence of a traffic law 176
photo-monitoring device, and technical specifications that the 177
devices and associated traffic signals must meet in order to be 178
utilized by local authorities. 179

(B) At any intersection where a traffic law photo-monitoring 180
device is installed, the time period during which the traffic 181
control signal displays a yellow light or yellow arrow shall 182
conform with the provisions contained in the manual adopted by the 183
department pursuant to section 4511.09 of the Revised Code 184
governing the time of display of yellow lights and yellow arrows 185
by traffic control signals, and that time period shall not be 186
shorter than the time period prescribed by that manual for 187
intersections that are of the same type or have the same 188
characteristics as the intersection at which the traffic control 189
signal is located. 190

Section 2. Not later than sixty days after the effective date 191
of this act, any local authority using a traffic law 192
photo-monitoring device to enforce traffic laws shall conform each 193
existing device and the use of the device to the provisions of 194
section 4511.092 of the Revised Code, including any standards 195
established by the Department of Transportation pursuant to 196
section 4511.093 of the Revised Code. Any ticket issued by a local 197
authority for a traffic law violation detected more than sixty 198
days after the effective date of this act by a device that does 199

not conform to the provisions of this act is invalid. 200

Section 3. There is hereby created a legislative traffic law 201
photo-enforcement study committee consisting of six members, as 202
follows: (1) Three members of the Senate, no more than two of whom 203
shall be members of the same political party, one of whom shall be 204
the chairperson of the Senate committee dealing primarily with 205
highway matters, one of whom shall be appointed by the President 206
of the Senate, and one of whom shall be appointed by the Minority 207
Leader of the Senate; (2) Three members of the House of 208
Representatives, no more than two of whom shall be members of the 209
same political party, one of whom shall be the chairperson of the 210
House of Representatives committee dealing primarily with highway 211
matters, one of whom shall be appointed by the Speaker of the 212
House of Representatives, and one of whom shall be appointed by 213
the Minority Leader of the House of Representatives. The committee 214
shall evaluate the use of traffic law photo-enforcement devices 215
within Ohio, considering any testimony from citizens, local 216
authorities using the devices, businesses that provide the 217
devices, and other available information. Not later than six 218
months after the effective date of this act, the committee shall 219
make recommendations to the Majority and Minority Leaders of the 220
Senate and House of Representatives concerning the use of traffic 221
law photo-enforcement devices within Ohio. 222