

As Passed by the Senate

127th General Assembly

Regular Session

2007-2008

Sub. H. B. No. 30

Representative McGregor, R.

**Cosponsors: Representatives Adams, Schindel, Seitz, Fessler, Collier,
Webster, Aslanides, Bubb, Domenick, Batchelder, Blessing, Carmichael,
Coley, Core, Evans, Flowers, Gibbs, Hagan, J., Harwood, Hottinger, Huffman,
Hughes, Mandel, Patton, Uecker, Wagoner, Widener
Senators Schaffer, Amstutz, Austria, Buehrer, Harris, Mumper, Niehaus,
Padgett, Schuring, Seitz, Spada, Stivers, Wagoner**

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A B I L L

To amend section 4511.81 and to enact section 1
4511.094 of the Revised Code, and to amend 2
Sections 555.07 and 555.19 of Am. Sub. H.B. 67 of 3
the 127th General Assembly, and to amend Section 4
555.08 of Am. Sub. H.B. 67 of the 127th General 5
Assembly, as subsequently amended, to require any 6
local authority that enforces any traffic law by 7
means of traffic law photo-monitoring devices to 8
erect signs on every highway that is not a freeway 9
that is part of the state highway system and that 10
enters that local authority, informing inbound 11
traffic that the local authority utilizes traffic 12
law photo-monitoring devices to enforce traffic 13
laws, to eliminate the requirement for operators 14
of vehicles not equipped with seat belts to 15
nonetheless use a child restraint system when 16
transporting any kindergarten child who is 17
required to be transported in a child restraint 18

system, to govern the movement of steel coils by 19
special permit, to require the Department of 20
Transportation to conduct a study of the impact of 21
overweight vehicles operating under a permit, and 22
to modify the constraints imposed on the 23
Department of Transportation regarding undertaking 24
certain major new construction projects. 25
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4511.81 be amended and section 27
4511.094 of the Revised Code be enacted to read as follows: 28

Sec. 4511.094. (A) As used in this section: 29

(1) "Local authority" means a municipal corporation, county, 30
or township. 31

(2) "Traffic law photo-monitoring device" means an electronic 32
system consisting of a photographic, video, or electronic camera 33
and a means of sensing the presence of a motor vehicle that 34
automatically produces photographs, videotape, or digital images 35
of the vehicle or its license plate. 36

(B)(1) No local authority shall use traffic law 37
photo-monitoring devices to enforce any traffic law until after it 38
has erected signs on every highway that is not a freeway that is 39
part of the state highway system and that enters that local 40
authority. The signs shall inform inbound traffic that the local 41
authority utilizes traffic law photo-monitoring devices to enforce 42
traffic laws. The signs shall be erected within the first three 43
hundred feet of the boundary of the local authority or, if the 44
signs cannot be located within the first three hundred feet of the 45
boundary of the local authority, as close to that distance as 46

possible, provided that if a particular highway enters and exits 47
the territory of a local authority multiple times, the local 48
authority shall erect the signs as required by this division at 49
the locations in each direction of travel where inbound traffic on 50
the highway first enters the territory of the local authority and 51
is not required to erect additional signs along such highway each 52
time the highway reenters the territory of the local authority. 53
The local authority is responsible for all costs associated with 54
the erection, maintenance, and replacement, if necessary, of the 55
signs. All signs erected under this division shall conform in 56
size, color, location, and content to standards contained in the 57
manual adopted by the department of transportation pursuant to 58
section 4511.09 of the Revised Code and shall remain in place for 59
as long as the local authority utilizes traffic law 60
photo-monitoring devices to enforce any traffic law. Any ticket, 61
citation, or summons issued by or on behalf of the local authority 62
for any traffic law violation based upon evidence gathered by a 63
traffic law photo-monitoring device after the effective date of 64
this section, but before the signs have been erected is invalid; 65
provided that no ticket, citation, or summons is invalid if the 66
local authority is in substantial compliance with the requirement 67
of this division to erect the signs. 68

(2) A local authority is deemed to be in substantial 70
compliance with the requirement of division (B)(1) of this section 71
to erect the advisory signs if the authority does both of the 72
following: 73

(a) First erects all signs as required by division (B)(1) of 74
this section and subsequently maintains and replaces the signs as 75
needed so that at all times at least ninety per cent of the 76
required signs are in place and functional; 77

(b) Annually documents and upon request certifies its 78

compliance with division (B)(2)(a) of this section. 79

(C) A local authority that uses traffic law photo-monitoring 80
devices to enforce any traffic law at an intersection where 81
traffic is controlled by traffic control signals that exhibit 82
different colored lights or colored lighted arrows shall time the 83
operation of the yellow lights and yellow arrows of those traffic 84
control signals so that the steady yellow indication exceeds by 85
one second the minimum duration for yellow indicators at similar 86
intersections as established by the provisions of the manual 87
adopted by the department of transportation under section 4511.09 88
of the Revised Code. 89

Sec. 4511.81. (A) When any child who is in either or both of 90
the following categories is being transported in a motor vehicle, 91
other than a taxicab or public safety vehicle as defined in 92
section 4511.01 of the Revised Code, that is required by the 93
United States department of transportation to be equipped with 94
seat belts at the time of manufacture or assembly, the operator of 95
the motor vehicle shall have the child properly secured in 96
accordance with the manufacturer's instructions in a child 97
restraint system that meets federal motor vehicle safety 98
standards: 99

(1) A child who is less than four years of age; 100

(2) A child who weighs less than forty pounds. 101

(B) When any child who is in either or both of the following 102
categories is being transported in a motor vehicle, other than a 103
taxicab, that is owned, leased, or otherwise under the control of 104
a nursery school, ~~kindergarten~~, or day-care center, the operator 105
of the motor vehicle shall have the child properly secured in 106
accordance with the manufacturer's instructions in a child 107
restraint system that meets federal motor vehicle safety 108
standards: 109

(1) A child who is less than four years of age;	110
(2) A child who weighs less than forty pounds.	111
(C) When any child who is at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.	112 113 114 115 116 117 118 119 120 121 122
(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.	123 124 125 126 127 128 129 130 131 132 133 134
(E) The director of public safety shall adopt such rules as are necessary to carry out this section.	135 136
(F) The failure of an operator of a motor vehicle to secure a child in a child restraint system or in an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action	137 138 139 140

involving the rights of the child against any other person 141
allegedly liable for injuries to the child, is not to be used as a 142
basis for a criminal prosecution of the operator of the motor 143
vehicle other than a prosecution for a violation of this section, 144
and is not admissible as evidence in any criminal action involving 145
the operator of the motor vehicle other than a prosecution for a 146
violation of this section. 147

(G) This section does not apply when an emergency exists that 148
threatens the life of any person operating a motor vehicle and to 149
whom this section otherwise would apply or the life of any child 150
who otherwise would be required to be restrained under this 151
section. 152

(H) There is hereby created in the state treasury the "child 153
highway safety fund," consisting of fines imposed pursuant to 154
division (J)(1) of this section for violations of divisions (A), 155
(B), and (C) of this section. The money in the fund shall be used 156
by the department of health only to defray the cost of designating 157
hospitals as pediatric trauma centers under section 3727.081 of 158
the Revised Code and to establish and administer a child highway 159
safety program. The purpose of the program shall be to educate the 160
public about child restraint systems generally and the importance 161
of their proper use. The program also shall include a process for 162
providing child restraint systems to persons who meet the 163
eligibility criteria established by the department, and a 164
toll-free telephone number the public may utilize to obtain 165
information about child restraint systems and their proper use. 166

(I) The director of health, in accordance with Chapter 119. 167
of the Revised Code, shall adopt any rules necessary to carry out 168
this section, including rules establishing the criteria a person 169
must meet in order to receive a child restraint system under the 170
department's child restraint system program; provided that rules 171
relating to the verification of pediatric trauma centers shall not 172

be adopted under this section. 173

(J)(1) Whoever violates division (A), (B), or (C) of this 174
section shall be punished as follows: 175

(a) Except as otherwise provided in division (J)(1)(b) of 176
this section, the offender is guilty of a minor misdemeanor and 177
shall be fined not less than twenty-five dollars. 178

(b) If the offender previously has been convicted of or 179
pleaded guilty to a violation of division (A), (B), or (C) of this 180
section or of a municipal ordinance that is substantially similar 181
to any of those divisions, the offender is guilty of a misdemeanor 182
of the fourth degree. 183

(2) All fines imposed pursuant to division (J)(1) of this 184
section shall be forwarded to the treasurer of state for deposit 185
in the "child highway safety fund" created by division (H) of this 186
section. 187

Section 2. That existing section 4511.81 of the Revised Code 188
is hereby repealed. 189

Section 3. That Sections 555.07 and 555.19 of Am. Sub. H.B. 190
67 of the 127th General Assembly be amended to read as follows: 191

Sec. 555.07. From July 1, ~~2007~~ 2008, through June 30, 2009, 192
three or fewer steel coils are deemed to be a nondivisible load 193
for purposes of special permits issued under section 4513.34 of 194
the Revised Code, provided that the maximum overall gross vehicle 195
weight of the vehicle and load shall not exceed ~~92,000~~ 120,000 196
pounds. 197

Sec. 555.19. In fiscal year 2008, the Department of 198
Transportation shall expend at least \$400,000 in the township 199
having the largest ~~geographic area~~ population according to the 200

2000 federal decennial census for a pilot program involving the 201
installation and operation of a system of portable signal 202
preemption devices. Use of the devices in the pilot program shall 203
be in accordance with section 4511.031 of the Revised Code. The 204
Department shall consult with appropriate township officials in 205
implementing the pilot program. 206

Section 4. That existing Sections 555.07 and 555.19 of Am. 207
Sub. H.B. 67 of the 127th General Assembly are hereby repealed. 208

Section 5. That Section 555.08 of Am. Sub. H.B. 67 of the 209
127th General Assembly, as amended by Am. Sub. H.B. 119 of the 210
127th General Assembly, be amended to read as follows: 211

Sec. 555.08. The Department of Transportation shall construct 212
the major new construction projects selected by the Transportation 213
Review Advisory Council on December 20, 2006, as Tier I projects 214
for construction in fiscal years 2007 through 2013 and shall not 215
~~undertake~~ commence construction of other major new construction 216
projects ~~until~~ unless construction of such selected Tier I 217
projects ~~has commenced~~ is progressing in accordance with the 218
December 20, 2006, recommendations. However, nothing in this 219
section shall require the Department of Transportation to 220
~~undertake~~ advance the major new Tier I construction projects 221
selected by the Transportation Review Advisory Council on December 222
20, 2006, ahead of projects selected as Tier I projects prior to 223
that date; the Department may continue with such previously 224
selected Tier I projects in accordance with the prior 225
recommendations. The Department of Transportation may continue the 226
planning and development steps of its project development process 227
for other major new construction projects and the Transportation 228
Review Advisory Council may recommend additional major new 229
projects in accordance with the policies promulgated by the 230

Council, but new Tier I projects shall not be given priority over 231
Tier I projects recommended on December 20, 2006. 232

Section 6. That existing Section 555.08 of Am. Sub. H.B. 67 233
of the 127th General Assembly, as amended by Am. Sub. H.B. 119 of 234
the 127th General Assembly, is hereby repealed. 235

Section 7. The Department of Transportation shall study the 236
impact upon any highway under its jurisdiction of granting permits 237
for the operation or movement of an overweight vehicle or 238
combination of vehicles of a weight exceeding the maximum 239
specified in sections 5577.02 to 5577.04 of the Revised Code. In 240
particular, the Department shall document the use and effect of 241
continuing permits. The Department shall determine whether 242
permitting regulations impose the least burden and costs to a 243
business and avoid placing entities doing business in this state 244
at a competitive disadvantage relative to businesses located in 245
other states or countries. The Department shall issue a report of 246
its findings to the General Assembly and the Governor by February 247
1, 2009. 248

Section 8. Section 4511.094 of the Revised Code takes effect 249
six months after the effective date of this section. 250