

As Introduced

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Representative Combs

**Cosponsors: Representatives Batchelder, Mandel, Huffman, Adams, J.,
Evans, Uecker, Grossman, Stebelton, Amstutz, Jordan, Hall, Maag, Martin,
Mecklenborg, Wachtmann, Bulp**

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A B I L L

To amend section 4511.094 and to enact section 1
4511.095 of the Revised Code to prohibit the use 2
by the State Highway Patrol, counties, and 3
townships of traffic law photo-monitoring devices. 4

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

Section 1. That section 4511.094 be amended and section 5
4511.095 of the Revised Code be enacted to read as follows: 6

Sec. 4511.094. (A) As used in this section: 7

~~(1) "Local authority" means a municipal corporation, county, 8
or township. 9~~

~~(2) "Traffic law photo-monitoring device" means an 10
electronic system consisting of a photographic, video, or 11
electronic camera and a means of sensing the presence of a motor 12
vehicle that automatically produces photographs, videotape, or 13
digital images of the vehicle or its license plate. 14~~

(B)(1) No ~~local authority~~ municipal corporation shall use 15
traffic law photo-monitoring devices to enforce any traffic law 16

until after it has erected signs on every highway that is not a 17
freeway that is part of the state highway system and that enters 18
that ~~local authority~~ municipal corporation. The signs shall inform 19
inbound traffic that the ~~local authority~~ municipal corporation 20
utilizes traffic law photo-monitoring devices to enforce traffic 21
laws. The signs shall be erected within the first three hundred 22
feet of the boundary of the ~~local authority~~ municipal corporation 23
or, if the signs cannot be located within the first three hundred 24
feet of the boundary of the ~~local authority~~ municipal corporation, 25
as close to that distance as possible, provided that if a 26
particular highway enters and exits the territory of a ~~local~~ 27
~~authority~~ municipal corporation multiple times, the ~~local~~ 28
~~authority~~ municipal corporation shall erect the signs as required 29
by this division at the locations in each direction of travel 30
where inbound traffic on the highway first enters the territory of 31
the ~~local authority~~ municipal corporation and is not required to 32
erect additional signs along such highway each time the highway 33
reenters the territory of the ~~local authority~~ municipal 34
corporation. The ~~local authority~~ municipal corporation is 35
responsible for all costs associated with the erection, 36
maintenance, and replacement, if necessary, of the signs. All 37
signs erected under this division shall conform in size, color, 38
location, and content to standards contained in the manual adopted 39
by the department of transportation pursuant to section 4511.09 of 40
the Revised Code and shall remain in place for as long as the 41
~~local authority~~ municipal corporation utilizes traffic law 42
photo-monitoring devices to enforce any traffic law. Any ticket, 43
citation, or summons issued by or on behalf of the ~~local authority~~ 44
municipal corporation for any traffic law violation based upon 45
evidence gathered by a traffic law photo-monitoring device after 46
~~the effective date of this section~~ March 12, 2009, but before the 47
signs have been erected is invalid; provided that no ticket, 48
citation, or summons is invalid if the ~~local authority~~ municipal 49

corporation is in substantial compliance with the requirement of 50
this division to erect the signs. 51

(2) A ~~local authority~~ municipal corporation is deemed to be 52
in substantial compliance with the requirement of division (B)(1) 53
of this section to erect the advisory signs if the ~~authority~~ 54
municipal corporation does both of the following: 55
56

(a) First erects all signs as required by division (B)(1) of 57
this section and subsequently maintains and replaces the signs as 58
needed so that at all times at least ninety per cent of the 59
required signs are in place and functional; 60

(b) Annually documents and upon request certifies its 61
compliance with division (B)(2)(a) of this section. 62

(C) A ~~local authority~~ municipal corporation that uses traffic 63
law photo-monitoring devices to enforce any traffic law at an 64
intersection where traffic is controlled by traffic control 65
signals that exhibit different colored lights or colored lighted 66
arrows shall time the operation of the yellow lights and yellow 67
arrows of those traffic control signals so that the steady yellow 68
indication exceeds by one second the minimum duration for yellow 69
indicators at similar intersections as established by the 70
provisions of the manual adopted by the department of 71
transportation under section 4511.09 of the Revised Code. 72

Sec. 4511.095. (A) As used in this section: 73

(1) "Law enforcement agency" means the state highway patrol 74
and any law enforcement agency of a local authority. 75

(2) "Law enforcement officer" means a state highway patrol 76
trooper and any law enforcement officer employed by a law 77
enforcement agency of a local authority. 78

(3) "Local authority" means a county or township. 79

(4) "Traffic law photo-monitoring device" means an electronic 80
system consisting of a photographic, video, or electronic camera 81
and a means of sensing the presence of a motor vehicle that 82
automatically produces photographs, videotape, or digital images 83
of the vehicle or its license plate. 84

(B)(1) Except as provided in division (B)(2) of this section, 85
no law enforcement agency shall use a traffic law photo-monitoring 86
device to determine compliance with, or to detect a violation of, 87
any provision of the Revised Code that governs or regulates the 88
operation of motor vehicles. 89

(2) Division (B)(1) of this section does not apply to the use 90
of a traffic law photo-monitoring device when a law enforcement 91
officer is present at the location of the traffic law 92
photo-monitoring device and issues tickets, citations, or 93
summonses at the general time and general location of the traffic 94
law violations. 95