

As Introduced

**129th General Assembly
Regular Session
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H. B. No. 16

Representative Sears

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A B I L L

To amend section 4511.091 of the Revised Code to 1
prohibit a person from being arrested, charged, or 2
convicted for speeding on a public street, 3
highway, private road, or driveway based on a 4
peace officer's unaided visual estimation of the 5
speed of a motor vehicle, trackless trolley, or 6
streetcar. 7

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

Section 1. That section 4511.091 of the Revised Code be 8
amended to read as follows: 9

Sec. 4511.091. (A) The driver of any motor vehicle that has 10
been checked by radar, or by any electrical or mechanical timing 11
device to determine the speed of the motor vehicle over a measured 12
distance of a highway or a measured distance of a private road or 13
driveway, and found to be in violation of any of the provisions of 14
section 4511.21 or 4511.211 of the Revised Code, may be arrested 15
until a warrant can be obtained, provided the arresting officer 16
has observed the recording of the speed of the motor vehicle by 17
the radio microwaves, electrical or mechanical timing device, or 18
has received a radio message from the officer who observed the 19
speed of the motor vehicle recorded by the radio microwaves, 20

electrical or mechanical timing device; provided, in case of an 21
arrest based on such a message, the radio message has been 22
dispatched immediately after the speed of the motor vehicle was 23
recorded and the arresting officer is furnished a description of 24
the motor vehicle for proper identification and the recorded 25
speed. 26

(B) If the driver of a motor vehicle being driven on a public 27
street or highway of this state is observed violating any 28
provision of this chapter other than section 4511.21 or 4511.211 29
of the Revised Code by a law enforcement officer situated at any 30
location, including in any type of airborne aircraft or airship, 31
that law enforcement officer may send a radio message to another 32
law enforcement officer, and the other law enforcement officer may 33
arrest the driver of the motor vehicle until a warrant can be 34
obtained or may issue the driver a citation for the violation; 35
provided, if an arrest or citation is based on such a message, the 36
radio message is dispatched immediately after the violation is 37
observed and the law enforcement officer who observes the 38
violation furnishes to the law enforcement officer who makes the 39
arrest or issues the citation a description of the alleged 40
violation and the motor vehicle for proper identification. 41

(C)(1) No person shall be arrested, charged, or convicted of 42
a violation of any provision of section 4511.21 or 4511.211 of the 43
Revised Code or a substantially similar municipal ordinance based 44
on a peace officer's unaided visual estimation of the speed of a 45
motor vehicle, trackless trolley, or streetcar. 46

(2) As used in this division, "peace officer" has the same 47
meaning as in section 2935.01 of the Revised Code. 48

Section 2. That existing section 4511.091 of the Revised Code 49
is hereby repealed. 50