

**As Reported by the House Policy and Legislative Oversight
Committee**

**130th General Assembly
Regular Session
2013-2014**

Sub. S. B. No. 342

Senator Seitz

**Cosponsors: Senators Eklund, Faber, Jones, Jordan, Kearney, Patton,
Schaffer, Tavares, Uecker
Representative Blessing**

—

A B I L L

To amend sections 1901.20, 1907.02, and 4511.094; to	1
amend, for the purpose of adopting a new section	2
number as indicated in parentheses, section	3
4511.093 (4511.043); to enact sections 3937.411,	4
4511.095, 4511.096, 4511.097, 4511.098, 4511.099,	5
4511.0910, 4511.0911, 4511.0912, and 4511.0913; to	6
enact new sections 4511.092 and 4511.093; and to	7
repeal section 4511.092 of the Revised Code to	8
establish conditions for the use by local	9
authorities of traffic law photo-monitoring	10
devices to detect certain traffic law violations.	11

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

Section 1. That sections 1901.20, 1907.02, and 4511.094 be	12
amended, section 4511.093 (4511.043) be amended for the purpose of	13
adopting a new section number as indicated in parentheses, and	14
sections 3937.411, 4511.095, 4511.096, 4511.097, 4511.098,	15
4511.099, 4511.0910, 4511.0911, 4511.0912, and 4511.0913 and new	16
sections 4511.092 and 4511.093 of the Revised Code be enacted to	17

read as follows: 18

Sec. 1901.20. (A)(1) The municipal court has jurisdiction ~~of~~ 19
to hear misdemeanor cases committed within its territory and has 20
jurisdiction over the violation of any ordinance of any municipal 21
corporation within its territory, unless the violation is a civil 22
violation based upon evidence recorded by a traffic law 23
photo-monitoring device and issued pursuant to division (B)(3) of 24
section 4511.093 of the Revised Code or the violation is required 25
to be handled by a parking violations bureau or joint parking 26
violations bureau pursuant to Chapter 4521. of the Revised Code, ~~7~~ 27
~~and of the violation of any misdemeanor committed within the~~ 28
~~limits of its territory. The.~~ However, the municipal court has 29
jurisdiction ~~of~~ over the violation of a vehicle parking or 30
standing resolution or regulation if a local authority, as defined 31
in division (D) of section 4521.01 of the Revised Code, has 32
specified that it is not to be considered a criminal offense, if 33
the violation is committed within the limits of the court's 34
territory, and if the violation is not required to be handled by a 35
parking violations bureau or joint parking violations bureau 36
pursuant to Chapter 4521. of the Revised Code. ~~The~~ 37

The municipal court, if it has a housing or environmental 38
division, has jurisdiction ~~of~~ over any criminal action over which 39
the housing or environmental division is given jurisdiction by 40
section 1901.181 of the Revised Code, provided that, except as 41
specified in division (B) of that section, no judge of the court 42
other than the judge of the division shall hear or determine any 43
action over which the division has jurisdiction. In all such 44
prosecutions and cases, the court shall proceed to a final 45
determination of the prosecution or case. 46

(2) A judge of a municipal court does not have the authority 47
to dismiss a criminal complaint, charge, information, or 48

indictment solely at the request of the complaining witness and 49
over the objection of the prosecuting attorney, village solicitor, 50
city director of law, or other chief legal officer who is 51
responsible for the prosecution of the case. 52

(B) The municipal court has jurisdiction to hear felony cases 53
committed within its territory. In all felony cases, the court may 54
conduct preliminary hearings and other necessary hearings prior to 55
the indictment of the defendant or prior to the court's finding 56
that there is probable and reasonable cause to hold or recognize 57
the defendant to appear before a court of common pleas and may 58
discharge, recognize, or commit the defendant. 59

(C)(1) A municipal court has jurisdiction ~~of~~ over an appeal 60
from a judgment or default judgment entered pursuant to Chapter 61
4521. of the Revised Code, as authorized by division (D) of 62
section 4521.08 of the Revised Code. The appeal shall be placed on 63
the regular docket of the court and shall be determined by a judge 64
of the court. 65

(2) A municipal court has jurisdiction over an appeal of a 66
written decision rendered by a hearing officer under section 67
4511.099 of the Revised Code if the hearing officer that rendered 68
the decision was appointed by a local authority within the 69
jurisdiction of the court. 70

Sec. 1907.02. (A)(1) In addition to other jurisdiction 71
granted a county court in the Revised Code, a county court has 72
jurisdiction of all misdemeanor cases. A county court has 73
jurisdiction to conduct preliminary hearings in felony cases, to 74
bind over alleged felons to the court of common pleas, and to take 75
other action in felony cases as authorized by Criminal Rule 5. 76

(2) A judge of a county court does not have the authority to 77
dismiss a criminal complaint, charge, information, or indictment 78
solely at the request of the complaining witness and over the 79

objection of the prosecuting attorney, village solicitor, city director of law, or other chief legal officer who is responsible for the prosecution of the case.

(B) A county court has jurisdiction of the violation of a vehicle parking or standing ordinance, resolution, or regulation if a local authority, as defined in division (D) of section 4521.01 of the Revised Code, has specified that it is not to be considered a criminal offense, if the violation is committed within the limits of the court's territory, and if the violation is not required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code. A county court does not have jurisdiction over violations of ordinances, resolutions, or regulations that are required to be handled by a parking violations bureau or joint parking violations bureau pursuant to that chapter.

A county court also has jurisdiction of an appeal from a judgment or default judgment entered pursuant to Chapter 4521. of the Revised Code, as authorized by division (D) of section 4521.08 of the Revised Code. Any such appeal shall be placed on the regular docket of the court and shall be determined by a judge of the court.

(C) A county court has jurisdiction over an appeal of a written decision rendered by a hearing officer under section 4511.099 of the Revised Code if the hearing officer that rendered the decision was appointed by a local authority within the jurisdiction of the court.

Sec. 3937.411. No insurer shall consider the issuance of a ticket for a civil violation under section 4511.097 of the Revised Code to an applicant or policyholder, or an admission or finding of liability related to such a ticket, as a basis for doing either of the following:

(A) Refusing to issue or deliver a policy of insurance upon a private automobile or increasing the rate to be charged for such a policy; 111
112
113

(B) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile. 114
115

Sec. ~~4511.093~~ 4511.043. (A)(1) No law enforcement officer who 116
stops the operator of a motor vehicle in the course of an 117
authorized sobriety or other motor vehicle checkpoint operation or 118
a motor vehicle safety inspection shall issue a ticket, citation, 119
or summons for a secondary traffic offense unless in the course of 120
the checkpoint operation or safety inspection the officer first 121
determines that an offense other than a secondary traffic offense 122
has occurred and either places the operator or a vehicle occupant 123
under arrest or issues a ticket, citation, or summons to the 124
operator or a vehicle occupant for an offense other than a 125
secondary offense. 126

(2) A law enforcement agency that operates a motor vehicle 127
checkpoint for an express purpose related to a secondary traffic 128
offense shall not issue a ticket, citation, or summons for any 129
secondary traffic offense at such a checkpoint, but may use such a 130
checkpoint operation to conduct a public awareness campaign and 131
distribute information. 132

(B) As used in this section, "secondary traffic offense" 133
means a violation of division (A) or (F)(2) of section 4507.05, 134
division (B)(1)(a) or (b) or (E) of section 4507.071, division (A) 135
of section 4511.204, division (C) or (D) of section 4511.81, 136
division (A)(3) of section 4513.03, or division (B) of section 137
4513.263 of the Revised Code. 138

Sec. 4511.092. As used in sections 4511.092 to 4511.0912 of 139
the Revised Code: 140

(A) "Designated party" means the person whom the registered owner of a motor vehicle, upon receipt of a ticket based upon images recorded by a traffic law photo-monitoring device that indicate a traffic law violation, identifies as the person who was operating the vehicle of the registered owner at the time of the violation.

(B) "Hearing officer" means any person appointed by the mayor, board of county commissioners, or board of township trustees of a local authority, as applicable, to conduct administrative hearings on violations recorded by traffic law photo-monitoring devices, other than a person who is employed by a law enforcement agency as defined in section 109.573 of the Revised Code.

(C) "Law enforcement officer" means a sheriff, deputy sheriff, marshal, deputy marshal, police officer of a police department of any municipal corporation, police constable of any township, or police officer of a township or joint police district, who is employed on a permanent, full-time basis by the law enforcement agency of a local authority that assigns such person to the location of a traffic law photo-monitoring device.

(D) "Local authority" means a municipal corporation, county, or township.

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

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

(G) "Recorded images" means any of the following images recorded by a traffic law photo-monitoring device that show, on at least one image or on a portion of the videotape, the rear of a motor vehicle and the letters and numerals on the rear license plate of the vehicle:

<u>(1) Two or more photographs, microphotographs, electronic</u>	172
<u>images, or digital images;</u>	173
<u>(2) Videotape.</u>	174
<u>(H) "Registered owner" means all of the following:</u>	175
<u>(1) Any person or entity identified by the bureau of motor</u>	176
<u>vehicles or any other state motor vehicle registration bureau,</u>	177
<u>department, or office as the owner of a motor vehicle;</u>	178
<u>(2) The lessee of a motor vehicle under a lease of six months</u>	179
<u>or longer;</u>	180
<u>(3) The renter of a motor vehicle pursuant to a written</u>	181
<u>rental agreement with a motor vehicle renting dealer.</u>	182
<u>(I) "System location" means the approach to an intersection</u>	183
<u>or area of roadway toward which a traffic law photo-monitoring</u>	184
<u>device is directed and is in operation.</u>	185
<u>(J) "Ticket" means any traffic ticket, citation, summons, or</u>	186
<u>other ticket issued in response to an alleged traffic law</u>	187
<u>violation detected by a traffic law photo-monitoring device, that</u>	188
<u>represents a civil violation.</u>	189
<u>(K) "Traffic law photo-monitoring device" means an electronic</u>	190
<u>system consisting of a photographic, video, or electronic camera</u>	191
<u>and a means of sensing the presence of a motor vehicle that</u>	192
<u>automatically produces recorded images.</u>	193
<u>(L) "Traffic law violation" means either of the following:</u>	194
<u>(1) A violation of section 4511.12 of the Revised Code based</u>	195
<u>on the failure to comply with section 4511.13 of the Revised Code</u>	196
<u>or a substantially equivalent municipal ordinance that occurs at</u>	197
<u>an intersection due to failure to obey a traffic control signal;</u>	198
<u>(2) A violation of section 4511.21 or 4511.211 of the Revised</u>	199
<u>Code or a substantially equivalent municipal ordinance due to</u>	200
<u>failure to observe the applicable speed limit.</u>	201

Sec. 4511.093. (A) A local authority may utilize a traffic law photo-monitoring device for the purpose of detecting traffic law violations. If the local authority is a county or township, the board of county commissioners or the board of township trustees may adopt such resolutions as may be necessary to enable the county or township to utilize traffic law photo-monitoring devices. 202
203
204
205
206
207
208

(B) The use of a traffic law photo-monitoring device is subject to the following conditions: 209
210

(1) A local authority shall use a traffic law photo-monitoring device to detect and enforce traffic law violations only if a law enforcement officer is present at the location of the device at all times during the operation of the device and if the local authority complies with sections 4511.094 and 4511.095 of the Revised Code. 211
212
213
214
215
216

(2) A law enforcement officer who is present at the location of any traffic law photo-monitoring device and who personally witnesses a traffic law violation may issue a ticket for the violation. Such a ticket shall be issued in accordance with section 2935.25 of the Revised Code and is not subject to sections 4511.096 to 4511.0910 and section 4511.912 of the Revised Code. 217
218
219
220
221
222

(3) If a traffic law photo-monitoring device records a traffic law violation and the law enforcement officer who was present at the location of the traffic law photo-monitoring device does not issue a ticket as provided under division (B)(2) of this section, the local authority may only issue a ticket in accordance with sections 4511.096 to 4511.0912 of the Revised Code. 223
224
225
226
227
228

Sec. 4511.094. (A) ~~As used in this section:~~ 229

~~(1) "Local authority" means a municipal corporation, county, or township.~~ 230
231

~~(2) "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.~~

~~(B)(1) No local authority shall use traffic law photo-monitoring devices to detect or enforce any traffic law violation until after it has ~~erected~~ done both of the following:~~

~~(1) Erected signs on every highway that is not a freeway that is part of the state highway system and that enters that local authority. ~~The signs shall inform~~ informing inbound traffic that the local authority utilizes traffic law photo-monitoring devices to enforce traffic laws. ~~The;~~~~

~~(2) Beginning on the effective date of this amendment, erected signs at each fixed system location informing motorists that a traffic law photo-monitoring device is present at the location.~~

~~The local authority shall erect the signs ~~shall be erected~~ within the first three hundred feet of the boundary of the local authority or, ~~if~~ within three hundred feet of the fixed system location, as applicable. ~~If~~ the signs cannot be located within the first three hundred feet of the boundary of the local authority ~~or~~ within three hundred feet of the fixed system location, the local authority shall erect the signs as close to that distance as possible, ~~provided that if.~~ If a particular highway enters and exits the territory of a local authority multiple times, the local authority shall erect the signs as required by ~~this~~ (A)(1) of this section at the locations in each direction of travel where inbound traffic on the highway first enters the territory of the local authority and is not required to erect additional signs along such highway each time the highway reenters the territory of the local authority. The local authority is~~

responsible for all costs associated with the erection, 264
maintenance, and replacement, if necessary, of the signs. ~~All~~ The 265
local authority shall ensure that all signs erected under this 266
division ~~shall~~ conform in size, color, location, and content to 267
standards contained in the manual adopted by the department of 268
transportation pursuant to section 4511.09 of the Revised Code and 269
shall remain in place for as long as the local authority utilizes 270
traffic law photo-monitoring devices to enforce any traffic law. 271
Any 272

(B) A ticket, citation, or summons issued by or on behalf of 273
the local authority for any traffic law violation based upon 274
evidence ~~gathered~~ recorded by a traffic law photo-monitoring 275
device ~~after the effective date of this section~~ is invalid under 276
the following circumstances: 277

(1) If the ticket was issued after March 12, 2009, but before 278
the signs ~~have been~~ required under division (A)(1) of this section 279
were erected is invalid; provided that no ticket, citation, or 280
summons is invalid if the; 281

(2) If the ticket was issued after the effective date of this 282
amendment but before the signs required under division (A)(2) of 283
this section were erected. 284

However, if a local authority is in substantial compliance 285
with the ~~requirement~~ requirements of this division ~~to erect the~~ 286
~~signs~~ (A)(1) or (2) of this section, as applicable, a ticket 287
issued by the local authority under sections 4511.096 to 4511.0912 288
of the Revised Code is valid. 289

~~(2)~~(C) A local authority is deemed to be in substantial 290
compliance with the requirement of division ~~(B)~~(A)(1) or (2) of 291
this section, as applicable, to erect the advisory signs if the 292
authority does both of the following: 293

~~(a)~~(1) First erects all signs as required by division 294

~~(B)(1)~~(A)(1) or (2) of this section, as applicable, and 295
subsequently maintains and replaces the signs as needed so that at 296
all times at least ninety per cent of the required signs are in 297
place and functional; 298

~~(b)(2)~~ Annually documents and upon request certifies its 299
compliance with division ~~(B)(2)(a)~~(C)(1) of this section. 300

~~(C)(D)~~ A local authority that uses traffic law 301
photo-monitoring devices to detect or enforce any traffic law 302
violation at an intersection where traffic is controlled by 303
traffic control signals that exhibit different colored lights or 304
colored lighted arrows shall time the operation of the yellow 305
lights and yellow arrows of those traffic control signals so that 306
the steady yellow indication exceeds by one second the minimum 307
duration for yellow indicators at similar intersections as 308
established by the provisions of the manual adopted by the 309
department of transportation under section 4511.09 of the Revised 310
Code. 311

Sec. 4511.095. (A) Prior to deploying any traffic law 312
photo-monitoring device, a local authority shall do all of the 313
following: 314

(1) Conduct a safety study of intersections or locations 315
under consideration for placement of fixed traffic law 316
photo-monitoring devices. The study shall include an accounting of 317
incidents that have occurred in the designated area over the 318
previous three-year period and shall be made available to the 319
public upon request. 320

(2) Conduct a public information campaign to inform motor 321
vehicle operators about the use of traffic law photo-monitoring 322
devices at system locations prior to establishing any of those 323
locations; 324

(3) Publish at least one notice in a local newspaper of 325
general circulation that announces the local authority's intent to 326
utilize traffic law photo-monitoring devices, the locations of 327
those devices, if known, and the date on which the first traffic 328
law photo-monitoring device will be operational; 329

(4) Refrain from levying any civil fines on any person found 330
to have committed a traffic law violation based upon evidence 331
gathered by a fixed location traffic law photo-monitoring device 332
until the local authority observes a public awareness warning 333
period of not less than thirty days prior to the first issuance of 334
any ticket based upon images recorded by the device. During the 335
warning period, the local authority shall take reasonable measures 336
to inform the public of the location of the device and the date on 337
which tickets will be issued for traffic law violations based upon 338
evidence gathered by the device. A warning notice may be sent to 339
violators during the public awareness warning period. 340

(B)(1) A local authority that deploys its first traffic law 341
photo-monitoring device after the effective date of this section 342
shall do so only after complying with division (A) of this 343
section. If such a local authority thereafter wishes to deploy an 344
additional traffic law photo-monitoring device, the local 345
authority shall comply with that division prior to deploying the 346
additional device. 347

A local authority that is operating or has operated on its 348
behalf a traffic law photo-monitoring device on the effective date 349
of this section may continue to operate the device after that date 350
without the need to comply with division (A) of this section. 351
However, if such a local authority wishes to deploy an additional 352
traffic law photo-monitoring device after the effective date of 353
this section, the local authority shall comply with division (A) 354
of this section prior to deploying the additional device. 355

(2) All tickets that result from evidence recorded by a 356

traffic law photo-monitoring device and that are issued prior to 357
the effective date of this section by or on behalf of a local 358
authority may be processed and adjudicated in accordance with the 359
rules and procedures that were in effect for such tickets prior to 360
the effective date of this section. On and after the effective 361
date of this section, no ticket for a traffic law violation that 362
is based upon evidence recorded by a traffic law photo-monitoring 363
device shall be processed and adjudicated in any manner other than 364
in accordance with sections 4511.096 to 4511.0912 of the Revised 365
Code. 366

Sec. 4511.096. (A) A law enforcement officer employed by a 367
local authority utilizing a traffic law photo-monitoring device 368
shall examine evidence of alleged traffic law violations recorded 369
by the device to determine whether such a violation has occurred. 370
If the image recorded by the traffic law photo-monitoring device 371
shows such a violation, contains the date and time of the 372
violation, and shows the letter and numerals on the license plate 373
of the vehicle involved as well as the state that issued the 374
license plate, the officer may use any lawful means to identify 375
the registered owner. 376

(B) The fact that a person or entity is the registered owner 377
of a motor vehicle is prima facie evidence that that person or 378
entity is the person who was operating the vehicle at the time of 379
the traffic law violation. 380

(C) Within thirty days of the traffic law violation, the 381
local authority or its designee may issue and send by regular mail 382
a ticket charging the registered owner with the violation. The 383
ticket shall comply with section 4511.097 of the Revised Code. 384

(D) A certified copy of the ticket alleging a traffic law 385
violation, sworn to or affirmed by a law enforcement officer 386
employed by the local authority, including by electronic means, 387

and the recorded images produced by the traffic law 388
photo-monitoring device, is prima facie evidence of the facts 389
contained therein and is admissible in a proceeding for review of 390
the ticket issued under this section. 391

Sec. 4511.097. (A) A traffic law violation for which a ticket 392
is issued by a local authority pursuant to division (B)(3) of 393
section 4511.093 of the Revised Code is a civil violation. If a 394
local authority issues a ticket for such a violation, the ticket 395
shall comply with the requirements of this section and the fine 396
for such a ticket shall not exceed the amount of the fine that may 397
be imposed for a substantially equivalent criminal traffic law 398
violation. 399

(B) A local authority or its designee shall process such a 400
ticket for a civil violation and shall send the ticket by ordinary 401
mail to any registered owner of the motor vehicle that is the 402
subject of the traffic law violation. The local authority or 403
designee shall ensure that the ticket contains all of the 404
following: 405

(1) The name and address of the registered owner; 406

(2) The letters and numerals appearing on the license plate 407
issued to the motor vehicle; 408

(3) The traffic law violation charged; 409

(4) The system location; 410

(5) The date and time of the violation; 411

(6) A copy of the recorded images; 412

(7) The name and badge number of the law enforcement officer 413
who was present at the system location at the time of the 414
violation; 415

(8) The amount of the civil penalty imposed, the date by 416

which the civil penalty is required to be paid, and the address to 417
which the payment is to be sent; 418

(9) A statement signed by a law enforcement officer employed 419
by the local authority indicating that, based on an inspection of 420
recorded images, the motor vehicle was involved in a traffic law 421
violation, and a statement indicating that the recorded images are 422
prima facie evidence of that traffic law violation both of which 423
may be signed electronically; 424

(10) Information advising the person or entity alleged to be 425
liable of the options prescribed in section 4511.098 of the 426
Revised Code, specifically to include the time, place, and manner 427
in which an administrative appeal may be initiated and the 428
procedure for disclaiming liability by submitting an affidavit as 429
prescribed in that section; 430

(11) A warning that failure to exercise one of the options 431
prescribed in section 4511.098 of the Revised Code is deemed to be 432
an admission of liability and waiver of the opportunity to contest 433
the violation. 434

(C) A local authority or its designee shall send a ticket not 435
later than thirty days after the date of the alleged traffic law 436
violation. 437

(D) The local authority or its designee may elect to send by 438
ordinary mail a warning notice in lieu of a ticket under this 439
section. 440

Sec. 4511.098. (A) A person or entity who receives a ticket 441
for a civil violation sent in compliance with section 4511.097 of 442
the Revised Code shall elect to do one of the following: 443

(1) In accordance with instructions on the ticket, pay the 444
civil penalty, thereby failing to contest liability and waiving 445
the opportunity to contest the violation; 446

(2)(a) Within thirty days after receipt of the ticket, 447
provide the law enforcement agency of the local authority with 448
either of the following affidavits: 449

(i) An affidavit executed by the registered owner stating 450
that another person was operating the vehicle of the registered 451
owner at the time of the violation, identifying that person as a 452
designated party who may be held liable for the violation, and 453
containing at a minimum the name and address of the designated 454
party; 455

(ii) An affidavit executed by the registered owner stating 456
that at the time of the violation, the motor vehicle or the 457
license plates issued to the motor vehicle were stolen and 458
therefore were in the care, custody, or control of some person or 459
entity to whom the registered owner did not grant permission to 460
use the motor vehicle. In order to demonstrate that the motor 461
vehicle or the license plates were stolen prior to the traffic law 462
violation and therefore were not under the control or possession 463
of the registered owner at the time of the violation, the 464
registered owner shall submit proof that a report about the stolen 465
motor vehicle or license plates was filed with the appropriate law 466
enforcement agency prior to the violation or within forty-eight 467
hours after the violation occurred. 468

(b) A registered owner is not responsible for a traffic law 469
violation if, within thirty days after the date of mailing of the 470
ticket, the registered owner furnishes an affidavit specified in 471
division (A)(2)(a)(i) or (ii) of this section to the local 472
authority in a form established by the local authority and the 473
following conditions are met: 474

(i) If the registered owner submits an affidavit as specified 475
in division (A)(2)(a)(i) of this section, the designated party 476
either accepts liability for the violation by paying the civil 477
penalty or failing to request an administrative hearing within 478

thirty days or is determined liable in an administrative hearing; 479

(ii) If the registered owner submits an affidavit as 480
specified in division (A)(2)(a)(ii) of this section, the affidavit 481
is supported by a stolen vehicle or stolen license plate report as 482
required in that division. 483

(3) If the registered owner is a motor vehicle leasing dealer 484
or a motor vehicle renting dealer, notify the law enforcement 485
agency of the local authority of the name and address of the 486
lessee or renter of the motor vehicle at the time of the traffic 487
law violation. A motor vehicle leasing dealer or motor vehicle 488
renting dealer who receives a ticket for an alleged traffic law 489
violation detected by a traffic law photo-monitoring device is not 490
liable for a ticket issued for a motor vehicle that was in the 491
care, custody, or control of a lessee or renter at the time of the 492
alleged violation. The dealer shall not pay such a ticket and 493
subsequently attempt to collect a fee or assess the lessee or 494
renter a charge for any payment of such a ticket made on behalf of 495
the lessee or renter. 496

(4) If the vehicle involved in the traffic law violation is a 497
commercial motor vehicle and the ticket is issued to a corporate 498
entity, provide to the law enforcement agency of the local 499
authority an affidavit, sworn to or affirmed by an agent of the 500
corporate entity, that provides the name and address of the 501
employee who was operating the motor vehicle at the time of the 502
alleged violation and who is the designated party. 503

(5) Contest the ticket by filing a written request for an 504
administrative hearing to review the ticket. The person or entity 505
shall file the written request not later than thirty days after 506
receipt of the ticket. The failure to request a hearing within 507
this time period constitutes a waiver of the right to contest the 508
violation and ticket, and is deemed to constitute an admission of 509
liability and waiver of the opportunity to contest the violation. 510

(B) A local authority that receives an affidavit described in 511
division (A)(2)(a)(i) or (A)(4) of this section or a notification 512
under division (A)(3) of this section from a registered owner may 513
proceed to send a ticket that conforms with division (B) of 514
section 4511.097 of the Revised Code to the designated party. The 515
local authority shall send the ticket to the designated party by 516
ordinary mail not later than twenty-one days after receipt of the 517
affidavit or notification. 518

Sec. 4511.099. (A) When a person or entity named in a ticket 519
for a civil violation under division (A) of section 4511.097 of 520
the Revised Code elects to contest the ticket and completes the 521
requirements prescribed in division (A)(5) of section 4511.098 of 522
the Revised Code in a timely manner, all of the following apply: 523

(1) A hearing officer appointed by the local authority shall 524
hear the case. The hearing officer shall conduct a hearing not 525
sooner than twenty-one but not later than forty-five days after 526
the filing of a written request for the hearing. The hearing 527
officer may extend the time period by which a hearing must be 528
conducted upon a request for additional time by the person or 529
entity who requested the hearing. 530

(2) The hearing officer shall ensure that the hearing is open 531
to the public. The hearing officer shall post a docket in a 532
conspicuous place near the entrance to the hearing room. The 533
hearing officer shall identify on the docket, by respondent, the 534
hearings scheduled for that day and the time of each hearing. The 535
hearing officer may schedule multiple hearings for the same time 536
to allow for occurrences such as nonappearances or admissions of 537
liability. 538

(3) The person who requested the administrative hearing or a 539
representative of the entity that requested the hearing shall 540
appear for the hearing and may present evidence at the hearing. 541

(4) The hearing officer shall determine whether a 542
preponderance of the evidence establishes that the violation 543
alleged in the ticket did in fact occur and that the person or 544
entity requesting the review is the person who was operating the 545
vehicle at the time of the violation. 546

(B)(1) If the hearing officer finds by a preponderance of the 547
evidence that the alleged traffic law violation did in fact occur 548
and that the person or entity named in the ticket is the person 549
who was operating the vehicle at the time of the violation, the 550
hearing officer shall issue a written decision imposing liability 551
for the violation upon the individual or entity and submit it to 552
the local authority or its designee and the person or entity named 553
in the ticket. 554

(2) If the hearing officer finds by a preponderance of the 555
evidence that the alleged traffic law violation did not occur or 556
did in fact occur but the person or entity named in the ticket is 557
not the person who was operating the vehicle at the time of the 558
violation, the hearing officer shall issue a written decision 559
finding that the individual or entity is not liable for the 560
violation and submit it to the local authority or its designee and 561
the person or entity named in the ticket. 562

(3) If the person who requested the administrative hearing or 563
a representative of the entity that requested the hearing fails to 564
appear at the hearing, the hearing officer shall determine that 565
the person or entity is liable for the violation. In such a case, 566
the hearing officer shall issue a written decision imposing 567
liability for the violation upon the individual or entity and 568
submit it to the local authority or its designee and the person or 569
entity named in the ticket. 570

(4) The hearing officer shall render a decision on the day a 571
hearing takes place. 572

(C)(1) In determining whether the person or entity named in the ticket is liable, the hearing officer may consider any of the following as an affirmative defense to a traffic law violation: 573
574
575

(a) That the vehicle passed through the intersection in order to yield the right-of-way to either of the following: 576
577

(i) A public safety vehicle or coroner's vehicle in accordance with section 4511.45 of the Revised Code or a substantially equivalent municipal ordinance; 578
579
580

(ii) A funeral procession in accordance with section 4511.451 of the Revised Code or a substantially equivalent municipal ordinance. 581
582
583

(b) That the motor vehicle or license plates of the motor vehicle were stolen prior to the occurrence of the violation and were not under the control or possession of the registered owner at the time of the violation. In order to demonstrate that the motor vehicle or license plates were stolen prior to the occurrence of the violation and were not under the control or possession of the registered owner at the time of the violation, the registered owner shall submit proof that a report about the stolen motor vehicle or license plates was filed with the appropriate law enforcement agency prior to the traffic law violation or within forty-eight hours after the traffic law violation occurred. 584
585
586
587
588
589
590
591
592
593
594
595

(c) At the time and place of the alleged traffic law violation, the traffic control signal was not operating properly or the traffic law photo-monitoring device was not in proper position and the recorded image is not of sufficient legibility to enable an accurate determination of the information necessary to impose liability. 596
597
598
599
600
601

(d) That the registered owner or person or entity named in the ticket was not the person operating the motor vehicle at the 602
603

time of the violation. In order to meet the evidentiary burden 604
imposed under division (C)(1)(d) of this section, the registered 605
owner or person or entity named in the ticket shall provide to the 606
hearing officer the identity of the designated party, that 607
person's name and current address, and any other evidence that the 608
hearing officer determines to be pertinent. 609

(2) A hearing officer also may consider the totality of the 610
circumstances when determining whether to impose liability upon 611
the person or entity named in the ticket. 612

(D)(1) If the hearing officer finds that the person or entity 613
named in the ticket was not the person who was operating the 614
vehicle at the time of the violation or receives evidence 615
identifying the designated party, the hearing officer shall 616
provide to the local authority or its designee, within five days 617
of the hearing, a copy of any evidence substantiating the identity 618
of the designated party. 619

(2) Upon receipt of evidence of the identity of the 620
designated party, the local authority or its designee may issue a 621
ticket to the designated party. 622

A local authority shall ensure that a ticket issued under 623
division (D)(2) of this section conforms with division (B) of 624
section 4511.097 of the Revised Code. The local authority shall 625
send the ticket by ordinary mail not later than twenty-one days 626
after receipt of the evidence from the hearing officer or the 627
registered owner of the identity of the designated party. 628

(E) If a designated party who is issued a ticket under 629
division (D)(2) of this section or division (B) of section 630
4511.098 of the Revised Code contests the ticket by filing a 631
written request for an administrative hearing to review the ticket 632
not later than thirty days after receipt of the ticket, the local 633
authority shall require the registered owner of the motor vehicle 634

also to attend the hearing. If at the hearing involving the 635
designated party the hearing officer cannot determine the identity 636
of the operator of the vehicle at the time of the violation, the 637
registered owner is liable for the violation. The hearing officer 638
then shall issue a written decision imposing liability for the 639
violation on the registered owner and submit it to the local 640
authority or its designee and to the registered owner. If the 641
designated party also is a registered owner of the vehicle, 642
liability for the violation shall follow the order of registered 643
owners as listed on the title to the vehicle. 644

(F) A person who is named in a ticket for a civil violation 645
may assert a testimonial privilege in accordance with division (D) 646
of section 2317.02 of the Revised Code. 647

(G) A person or entity may appeal a written decision rendered 648
by a hearing officer under this section to the municipal court or 649
county court with jurisdiction over the location where the 650
violation occurred. 651

(H) No decision rendered under this section, and no admission 652
of liability under this section or section 4511.098 of the Revised 653
Code, is admissible as evidence in any other judicial proceeding 654
in this state. 655

Sec. 4511.0910. A traffic law violation for which a civil 656
penalty is imposed under sections 4511.097 to 4511.099 of the 657
Revised Code is not a moving violation and points shall not be 658
assessed against a person's driver's license under section 659
4510.036 of the Revised Code. In no case shall such a violation be 660
reported to the bureau of motor vehicles or motor vehicle 661
registration bureau, department, or office of any other state, nor 662
shall such a violation be recorded on the driving record of the 663
owner or operator of the vehicle involved in the violation. 664

Sec. 4511.0911. (A) Upon request, each manufacturer of a traffic law photo-monitoring device shall provide to a local authority utilizing its devices the maintenance record of any such device used in that local authority.

(B)(1) Commencing January 2015, not later than the last day of January of each year, the manufacturer of a traffic law photo-monitoring device shall provide to the applicable local authority a certificate of proper operation that attests to the accuracy of the device in recording a traffic law violation.

(2) In addition to the requirement prescribed in division (B)(1) of this section, for every such device that is considered mobile, meaning it is attached to a trailer, vehicle, or other wheeled apparatus so that it is easily moved to different system locations, both of the following apply:

(a) Each local authority shall test the accuracy of each such device with an independent, certified speed measuring device or some other commonly accepted method prior to its use at each system location.

(b) Each local authority shall clearly and conspicuously mark on the outside of the trailer, vehicle, or wheeled apparatus that contains the traffic law photo-monitoring device that the device is contained therein and that the trailer, vehicle, or wheeled apparatus is the property of the local authority.

(C) In the case of a traffic law photo-monitoring device that is used at an intersection to detect violations of section 4511.12 of the Revised Code based on the failure to comply with section 4511.13 of the Revised Code or a substantially equivalent municipal ordinance, the local authority shall not issue a ticket for a violation based upon evidence recorded by a traffic law photo-monitoring device when a vehicle makes a legal right or left turn-on-red-signal if all of the following apply:

(1) The vehicle can make the turn safely. 696

(2) The vehicle comes to a complete stop at any point prior to completing the turn. 697
698

(3) No pedestrians are in the crosswalk, or are about to enter the crosswalk, of any approach to the intersection the vehicle occupies while commencing or making the turn. 699
700
701

Sec. 4511.0912. A local authority shall not issue a ticket for a violation of section 4511.21 or 4511.211 of the Revised Code or a substantially equivalent municipal ordinance due to failure to observe the applicable speed limit based upon evidence recorded by a traffic law photo-monitoring device unless one of the following applies: 702
703
704
705
706
707

(A) For a system location that is located within a school zone or within the boundaries of a state or local park or recreation area, the vehicle involved in the violation is traveling at a speed that exceeds the posted speed limit by not less than six miles per hour. 708
709
710
711
712

(B) For a system location that is located at any other location, the vehicle involved in the violation is traveling at a speed that exceeds the posted speed limit by not less than ten miles per hour. 713
714
715
716

Sec. 4511.0913. Sections 4511.092 to 4511.0912 of the Revised Code do not apply to the use of a traffic law photo-monitoring device that is placed on a school bus for the purpose of detecting violations of section 4511.75 of the Revised Code or a substantially equivalent municipal ordinance. 717
718
719
720
721

Section 2. That existing sections 1901.20, 1907.02, 4511.093, and 4511.094 and section 4511.092 of the Revised Code are hereby repealed. 722
723
724