

As Introduced

**130th General Assembly
Regular Session
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S. B. No. 388

Senator Bacon

Cosponsors: Senators LaRose, Lehner, Gardner, Hughes

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A B I L L

To amend sections 1901.20, 4511.094, and 4511.751; to 1
amend, for the purpose of adopting a new section 2
number as indicated in parentheses, section 3
4511.093 (4511.092); to enact new section 4511.093 4
and sections 4511.095, 4511.096, 4511.097, 5
4511.098, 4511.099, 4511.0910, 4511.0911, and 6
4511.0912; and to repeal section 4511.092 of the 7
Revised Code to establish conditions for the use 8
by local authorities of traffic law 9
photo-monitoring devices to detect certain traffic 10
law violations. 11

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

Section 1. That sections 1901.20, 4511.094, and 4511.751 be 12
amended, section 4511.093 (4511.092) be amended for the purpose of 13
adopting a new section number as indicated in parentheses, and new 14
section 4511.093 and sections 4511.095, 4511.096, 4511.097, 15
4511.098, 4511.099, 4511.0910, 4511.0911, and 4511.0912 of the 16
Revised Code be enacted to read as follows: 17

Sec. 1901.20. (A)(1) The municipal court has jurisdiction ~~of~~ 18
to hear misdemeanor cases committed within its territory and has 19

jurisdiction over the violation of any ordinance of any municipal corporation within its territory, unless the violation is a traffic law violation that results from the operation of a traffic law photo-monitoring device as defined under section 4511.093 of the Revised Code or the violation is required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code, ~~and of the violation of any misdemeanor committed within the limits of its territory. The.~~ However, the municipal court has jurisdiction ~~of~~ over the violation of a vehicle parking or standing 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. ~~The~~

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

(2) A judge of a municipal court does not have the authority to dismiss a criminal complaint, charge, information, or indictment solely at the request of the complaining witness and over the 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) The municipal court has jurisdiction to hear felony cases 52
committed within its territory. In all felony cases, the court may 53
conduct preliminary hearings and other necessary hearings prior to 54
the indictment of the defendant or prior to the court's finding 55
that there is probable and reasonable cause to hold or recognize 56
the defendant to appear before a court of common pleas and may 57
discharge, recognize, or commit the defendant. 58

(C)(1) A municipal court has jurisdiction ~~of~~ over an appeal 59
from a judgment or default judgment entered pursuant to Chapter 60
4521. of the Revised Code, as authorized by division (D) of 61
section 4521.08 of the Revised Code. The appeal shall be placed on 62
the regular docket of the court and shall be determined by a judge 63
of the court. 64

(2) A municipal court has jurisdiction over an appeal of a 65
written decision rendered by a hearing officer under section 66
4511.099 of the Revised Code. 67

Sec. ~~4511.093~~ 4511.092. (A)(1) No law enforcement officer who 68
stops the operator of a motor vehicle in the course of an 69
authorized sobriety or other motor vehicle checkpoint operation or 70
a motor vehicle safety inspection shall issue a ticket, citation, 71
or summons for a secondary traffic offense unless in the course of 72
the checkpoint operation or safety inspection the officer first 73
determines that an offense other than a secondary traffic offense 74
has occurred and either places the operator or a vehicle occupant 75
under arrest or issues a ticket, citation, or summons to the 76
operator or a vehicle occupant for an offense other than a 77
secondary offense. 78

(2) A law enforcement agency that operates a motor vehicle 79
checkpoint for an express purpose related to a secondary traffic 80
offense shall not issue a ticket, citation, or summons for any 81
secondary traffic offense at such a checkpoint, but may use such a 82

checkpoint operation to conduct a public awareness campaign and 83
distribute information. 84

(B) As used in this section, "secondary traffic offense" 85
means a violation of division (A) or (F)(2) of section 4507.05, 86
division (B)(1)(a) or (b) or (E) of section 4507.071, division (A) 87
of section 4511.204, division (C) or (D) of section 4511.81, 88
division (A)(3) of section 4513.03, or division (B) of section 89
4513.263 of the Revised Code. 90

Sec. 4511.093. As used in sections 4511.093 to 4511.0912 of 91
the Revised Code: 92

(A) "Designated party" means the person whom the registered 93
owner of a motor vehicle, upon receipt of a ticket based upon 94
images recorded by a traffic law photo-monitoring device that 95
indicate a traffic law violation, identifies as the person who was 96
operating the vehicle of the registered owner at the time of the 97
violation. 98

(B) "Hearing officer" means any person appointed by the 99
mayor, board of county commissioners, or board of township 100
trustees of a local authority, as applicable, to conduct 101
administrative hearings on violations recorded by traffic law 102
photo-monitoring devices, other than a person who is employed by a 103
law enforcement agency as defined in section 109.573 of the 104
Revised Code. 105

(C) "Local authority" means a municipal corporation. 106

(D) "Motor vehicle leasing dealer" has the same meaning as in 107
section 4517.01 of the Revised Code. 108

(E) "Motor vehicle renting dealer" has the same meaning as in 109
section 4549.65 of the Revised Code. 110

(F) "Recorded images" means any of the following images 111
recorded by a traffic law photo-monitoring device that show, on at 112

least one image or on a portion of the videotape, the rear of a 113
motor vehicle and the letters and numerals on the rear license 114
plate of the vehicle: 115

(1) Two or more photographs, microphotographs, electronic 116
images, or digital images; 117

(2) Videotape. 118

(G) "Registered owner" means all of the following: 119

(1) Any person or entity identified by the bureau of motor 120
vehicles or any other state motor vehicle registration bureau, 121
department, or office as the owner of a motor vehicle; 122

(2) The lessee of a motor vehicle under a lease of six months 123
or longer; 124

(3) The renter of a motor vehicle pursuant to a written 125
rental agreement with a motor vehicle renting dealer. 126

(H) "System location" means the approach to an intersection 127
or area of roadway toward which a traffic law photo-monitoring 128
device is directed and is in operation. 129

(I) "Ticket" means any traffic ticket, citation, summons, or 130
other ticket issued in response to an alleged traffic law 131
violation detected by a traffic law photo-monitoring device, that 132
represents a civil violation. 133

(J) "Traffic law photo-monitoring device" means an electronic 134
system consisting of a photographic, video, or electronic camera 135
and a means of sensing the presence of a motor vehicle that 136
automatically produces recorded images. 137

(K) "Traffic law violation" means any of the following: 138

(1) A violation of section 4511.12 of the Revised Code based 139
on the failure to comply with section 4511.13 of the Revised Code 140
or a substantially equivalent municipal ordinance that occurs at 141
an intersection due to failure to obey a traffic control signal; 142

(2) 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; 143
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(3) A violation of section 4511.75 of the Revised Code or a substantially equivalent municipal ordinance due to the improper passing of a stopped school bus. 146
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Sec. 4511.094. (A) ~~As used in this section:~~ 149

~~(1) "Local authority" means a municipal corporation, county, or township.~~ 150
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~~(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.~~ 152
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~~(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: 157
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(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;~~ 160
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(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. 165
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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 169
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first three hundred feet of the boundary of the local authority or 173
within three hundred feet of the fixed system location, the local 174
authority shall erect the signs as close to that distance as 175
possible, ~~provided that if.~~ If a particular highway enters and 176
exits the territory of a local authority multiple times, the local 177
authority shall erect the signs as required by this division at 178
the locations in each direction of travel where inbound traffic on 179
the highway first enters the territory of the local authority and 180
is not required to erect additional signs along such highway each 181
time the highway reenters the territory of the local authority. 182
The local authority is responsible for all costs associated with 183
the erection, maintenance, and replacement, if necessary, of the 184
signs. ~~All~~ The local authority shall ensure that all signs erected 185
under this division ~~shall~~ conform in size, color, location, and 186
content to standards contained in the manual adopted by the 187
department of transportation pursuant to section 4511.09 of the 188
Revised Code and shall remain in place for as long as the local 189
authority utilizes traffic law photo-monitoring devices to enforce 190
any traffic law. ~~Any~~ 191

(B) A ticket, citation, or summons issued by or on behalf of 192
the local authority for any traffic law violation based upon 193
evidence gathered by a traffic law photo-monitoring device ~~after~~ 194
~~the effective date of this section~~ is invalid under the following 195
circumstances: 196

(1) If the ticket was issued after March 12, 2009, but before 197
the signs ~~have been~~ required under division (A)(1) of this section 198
were erected ~~is invalid; provided that no ticket, citation, or~~ 199
~~summons is invalid if the;~~ 200

(2) If the ticket was issued after the effective date of this 201
amendment but before the signs required under division (A)(2) of 202
this section were erected. 203

However, if a local authority is in substantial compliance 204

with the ~~requirement~~ requirements of this division to erect the signs (A)(1) or (2) of this section, as applicable, a ticket issued by the local authority under sections 4511.092 to 4511.0911 of the Revised Code is valid.

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

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

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

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

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

(1) Conduct a safety study of intersections or locations

under consideration for placement of fixed traffic law 235
photo-monitoring devices. The study shall include an accounting of 236
incidents that have occurred in the designated area over the 237
previous three-year period and shall be made available to the 238
public upon request. 239

(2) Conduct a public information campaign to inform motor 240
vehicle operators about the use of traffic law photo-monitoring 241
devices at system locations prior to establishing any of those 242
locations; 243

(3) Publish at least one notice in a local newspaper of 244
general circulation that announces the local authority's intent to 245
utilize traffic law photo-monitoring devices, the locations of 246
those devices, if known, and the date on which the first traffic 247
law photo-monitoring device will be operational; 248

(4) Refrain from levying any civil fines on any person found 249
committing a traffic law violation as a result of the operation of 250
a fixed location traffic law photo-monitoring device until the 251
local authority observes a public awareness warning period of not 252
less than thirty days prior to the first issuance of any ticket 253
based upon images recorded by the device. During the warning 254
period, the local authority shall take reasonable measures to 255
inform the public of the location of the device and the date on 256
which tickets will be issued for traffic law violations detected 257
by the device. A warning notice may be sent to violators during 258
the public awareness warning period. 259

(B)(1) A local authority that deploys its first traffic law 260
photo-monitoring device after the effective date of this section 261
shall do so only after complying with division (A) of this 262
section. If such a local authority thereafter wishes to deploy an 263
additional traffic law photo-monitoring device, the local 264
authority shall comply with that division prior to deploying the 265
additional device. 266

A local authority that is operating or has operated on its behalf a traffic law photo-monitoring device on the effective date of this section may continue to operate the device after that date without the need to comply with division (A) of this section. 267
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However, if such a local authority wishes to deploy an additional traffic law photo-monitoring device after the effective date of this section, the local authority shall comply with division (A) of this section prior to deploying the additional device. 271
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(2) All tickets that result from the operation of a traffic law photo-monitoring device and are issued prior to the effective date of this section by or on behalf of a local authority may be processed and adjudicated in accordance with the rules and procedures that were in effect for such tickets prior to the effective date of this section. On and after the effective date of this section, no ticket for a traffic law violation issued as the result of the operation of a traffic law photo-monitoring device shall be processed and adjudicated in any manner other than in accordance with sections 4511.093 to 4511.0912 of the Revised Code. 275
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Sec. 4511.096. (A) A law enforcement officer employed by a local authority utilizing a traffic law photo-monitoring device shall examine evidence of alleged traffic law violations recorded by the device to determine whether such a violation has occurred. If the image recorded by the traffic law photo-monitoring device shows such a violation, contains the date and time of the violation, and shows the letter and numerals on the license plate of the vehicle involved as well as the state that issued the license plate, the officer may use any lawful means to identify the registered owner. 286
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(B) The fact that a person or entity is the registered owner of a motor vehicle shall be prima facie evidence that that person 296
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or entity is the person who was operating the vehicle at the time 298
of the traffic law violation. 299

(C) Within thirty days of the traffic law violation, the 300
local authority or its designee may issue and send by regular mail 301
a ticket charging the registered owner with the violation. The 302
ticket shall comply with section 4511.097 of the Revised Code. 303

(D) A certified copy of the ticket alleging a traffic law 304
violation, sworn to or affirmed by a law enforcement officer 305
employed by the local authority, including by electronic means, 306
and the recorded images produced by the traffic law 307
photo-monitoring device, is prima facie evidence of the facts 308
contained therein and is admissible in a proceeding for review of 309
the ticket issued under this section. 310

Sec. 4511.097. (A) Notwithstanding any other provision of law 311
to the contrary, a traffic law violation detected by a traffic law 312
photo-monitoring device is a civil violation as represented by a 313
ticket issued by a local authority. 314

(B) A local authority or its designee shall process a ticket 315
and shall send the ticket by ordinary mail to any registered owner 316
of the motor vehicle that is the subject of the traffic law 317
violation. The local authority or designee shall ensure that the 318
ticket contains all of the following: 319

(1) The name and address of the registered owner; 320

(2) The letters and numerals appearing on the license plate 321
issued to the motor vehicle; 322

(3) The traffic law violation charged; 323

(4) The system location; 324

(5) The date and time of the violation; 325

(6) A copy of the recorded images; 326

(7) The amount of the civil penalty imposed, the date by 327
which the civil penalty is required to be paid, and the address to 328
which the payment is to be sent; 329

(8) A statement signed by a law enforcement officer employed 330
by the local authority indicating that, based on an inspection of 331
recorded images, the motor vehicle was involved in a traffic law 332
violation, and a statement indicating that the recorded images are 333
prima facie evidence of that traffic law violation both of which 334
may be signed electronically; 335

(9) Information advising the person or entity alleged to be 336
liable of the options prescribed in section 4511.098 of the 337
Revised Code, specifically to include the time, place, and manner 338
in which an administrative appeal may be initiated and the 339
procedure for disclaiming liability by submitting an affidavit as 340
prescribed in that section; 341

(10) A warning that failure to exercise one of the options 342
prescribed in section 4511.098 of the Revised Code is deemed to be 343
an admission of liability and waiver of the opportunity to contest 344
the violation. 345

(C) A local authority or its designee shall send a ticket not 346
later than thirty days after the date of the alleged traffic law 347
violation. 348

(D) The local authority or its designee may elect to send by 349
ordinary mail a warning notice in lieu of a ticket under this 350
section. 351

Sec. 4511.098. (A) A person or entity who receives a ticket 352
sent in compliance with section 4511.097 of the Revised Code shall 353
elect to do one of the following: 354

(1) In accordance with instructions on the ticket, pay the 355
civil penalty, thereby admitting liability and waiving the 356

opportunity to contest the violation; 357

(2)(a) Within thirty days after receipt of the ticket, 358
provide the law enforcement agency of the local authority with 359
either of the following affidavits: 360

(i) An affidavit executed by the registered owner stating 361
that another person was operating the vehicle of the registered 362
owner at the time of the violation, identifying that person as a 363
designated party who may be held liable for the violation, and 364
containing at a minimum the name and address of the designated 365
party; 366

(ii) An affidavit executed by the registered owner stating 367
that at the time of the violation, the motor vehicle or the 368
license plates issued to the motor vehicle were stolen and 369
therefore were in the care, custody, or control of some person or 370
entity to whom the registered owner did not grant permission to 371
use the motor vehicle. In order to demonstrate that the motor 372
vehicle or the license plates were stolen prior to the traffic law 373
violation and therefore were not under the control or possession 374
of the registered owner at the time of the violation, the 375
registered owner shall submit proof that a report about the stolen 376
motor vehicle or license plates was filed with the appropriate law 377
enforcement agency prior to the violation or within forty-eight 378
hours after the violation occurred. 379

(b) A registered owner is not responsible for a traffic law 380
violation if, within thirty days after the date of mailing of the 381
ticket, the registered owner furnishes an affidavit specified in 382
division (A)(2)(a)(i) or (ii) of this section to the local 383
authority in a form established by the local authority and the 384
following conditions are met: 385

(i) If the registered owner submits an affidavit as specified 386
in division (A)(2)(a)(i) of this section, the designated party 387

either accepts liability for the violation by paying the civil 388
penalty or failing to request an administrative hearing within 389
thirty days or is determined liable in an administrative hearing; 390

(ii) If the registered owner submits an affidavit as 391
specified in division (A)(2)(a)(ii) of this section, the affidavit 392
is supported by a stolen vehicle or stolen license plate report as 393
required in that division. 394

(3) If the registered owner is a motor vehicle leasing dealer 395
or a motor vehicle renting dealer, notify the law enforcement 396
agency of the local authority of the name and address of the 397
lessee or renter of the motor vehicle at the time of the traffic 398
law violation. A motor vehicle leasing dealer or motor vehicle 399
renting dealer who receives a ticket for an alleged traffic law 400
violation detected by a traffic law photo-monitoring device is not 401
liable for a ticket issued for a motor vehicle that was in the 402
care, custody, or control of a lessee or renter at the time of the 403
alleged violation. The dealer shall not pay such a ticket and 404
subsequently attempt to collect a fee or assess the lessee or 405
renter a charge for any payment of such a ticket made on behalf of 406
the lessee or renter. 407

(4) If the vehicle involved in the traffic law violation is a 408
commercial motor vehicle and the ticket is issued to a corporate 409
entity, provide to the law enforcement agency of the local 410
authority an affidavit, sworn to or affirmed by an agent of the 411
corporate entity, that provides the name and address of the 412
employee who was operating the motor vehicle at the time of the 413
alleged violation and who is the designated party. 414

(5) Contest the ticket by filing a written request for an 415
administrative hearing to review the ticket. The person or entity 416
shall file the written request not later than thirty days after 417
receipt of the ticket. The failure to request a hearing within 418
this time period constitutes a waiver of the right to contest the 419

violation and ticket, and is deemed to constitute an admission of 420
liability and waiver of the opportunity to contest the violation. 421

(B) A local authority that receives an affidavit described in 422
division (A)(2)(a)(i) or (A)(4) of this section or a notification 423
under division (A)(3) of this section from a registered owner may 424
proceed to send a ticket that conforms with division (B) of 425
section 4511.097 of the Revised Code to the designated party. The 426
local authority shall send the ticket to the designated party by 427
ordinary mail not later than twenty-one days after receipt of the 428
affidavit or notification. 429

Sec. 4511.099. (A) When a person or entity named in a ticket 430
elects to contest the ticket and completes the requirements 431
prescribed in division (A)(5) of section 4511.098 of the Revised 432
Code in a timely manner, all of the following apply: 433

(1) A hearing officer appointed by the local authority shall 434
hear the case. The hearing officer shall conduct a hearing not 435
sooner than twenty-one but not later than forty-five days after 436
the filing of a written request for the hearing. The hearing 437
officer may extend the time period by which a hearing must be 438
conducted upon a request for additional time by the person or 439
entity who requested the hearing. 440

(2) The hearing officer shall ensure that the hearing is open 441
to the public. The hearing officer shall post a docket in a 442
conspicuous place near the entrance to the hearing room. The 443
hearing officer shall identify on the docket, by respondent, the 444
hearings scheduled for that day and the time of each hearing. The 445
hearing officer may schedule multiple hearings for the same time 446
to allow for occurrences such as nonappearances or admissions of 447
liability. 448

(3) The person who requested the administrative hearing or a 449
representative of the entity that requested the hearing shall 450

appear for the hearing and may present evidence at the hearing. 451

(4) The hearing officer shall determine whether a 452
preponderance of the evidence establishes that the violation 453
alleged in the ticket did in fact occur and that the person or 454
entity requesting the review is the person who was operating the 455
vehicle at the time of the violation. 456

(B)(1) If the hearing officer finds by a preponderance of the 457
evidence that the alleged traffic law violation did in fact occur 458
and that the person or entity named in the ticket is the person 459
who was operating the vehicle at the time of the violation, the 460
hearing officer shall issue a written decision imposing liability 461
for the violation upon the individual or entity and submit it to 462
the local authority or its designee and the person or entity named 463
in the ticket. 464

(2) If the hearing officer finds by a preponderance of the 465
evidence that the alleged traffic law violation did not occur or 466
did in fact occur but the person or entity named in the ticket is 467
not the person who was operating the vehicle at the time of the 468
violation, the hearing officer shall issue a written decision 469
finding that the individual or entity is not liable for the 470
violation and submit it to the local authority or its designee and 471
the person or entity named in the ticket. 472

(3) If the person who requested the administrative hearing or 473
a representative of the entity that requested the hearing fails to 474
appear at the hearing, the hearing officer shall determine that 475
the person or entity is liable for the violation. In such a case, 476
the hearing officer shall issue a written decision imposing 477
liability for the violation upon the individual or entity and 478
submit it to the local authority or its designee and the person or 479
entity named in the ticket. 480

(4) The hearing officer shall render a decision on the day a 481

hearing takes place. 482

(C)(1) In determining whether the person or entity named in 483
the ticket is liable, the hearing officer may consider any of the 484
following as an affirmative defense to a traffic law violation: 485

(a) That the vehicle passed through the intersection in order 486
to yield the right-of-way to either of the following: 487

(i) A public safety vehicle or coroner's vehicle in 488
accordance with section 4511.45 of the Revised Code or a 489
substantially equivalent municipal ordinance; 490

(ii) A funeral procession in accordance with section 4511.451 491
of the Revised Code or a substantially equivalent municipal 492
ordinance. 493

(b) That the motor vehicle or license plates of the motor 494
vehicle were stolen prior to the occurrence of the violation and 495
were not under the control or possession of the registered owner 496
at the time of the violation. In order to demonstrate that the 497
motor vehicle or license plates were stolen prior to the 498
occurrence of the violation and were not under the control or 499
possession of the registered owner at the time of the violation, 500
the registered owner shall submit proof that a report about the 501
stolen motor vehicle or license plates was filed with the 502
appropriate law enforcement agency prior to the traffic law 503
violation or within forty-eight hours after the traffic law 504
violation occurred. 505

(c) At the time and place of the alleged traffic law 506
violation, the traffic control signal was not operating properly 507
or the traffic law photo-monitoring device was not in proper 508
position and the recorded image is not of sufficient legibility to 509
enable an accurate determination of the information necessary to 510
impose liability. 511

(d) That the registered owner or person or entity named in 512

the ticket was not the person operating the motor vehicle at the 513
time of the violation. In order to meet the evidentiary burden 514
imposed under division (C)(1)(d) of this section, the registered 515
owner or person or entity named in the ticket shall provide to the 516
hearing officer the identity of the designated party, that 517
person's name and current address, and any other evidence that the 518
hearing officer determines to be pertinent. 519

(2) A hearing officer also may consider the totality of the 520
circumstances when determining whether to impose liability upon 521
the person or entity named in the ticket. 522

(D)(1) If the hearing officer finds that the person or entity 523
named in the ticket was not the person who was operating the 524
vehicle at the time of the violation or receives evidence 525
identifying the designated party, the hearing officer shall 526
provide to the local authority or its designee, within five days 527
of the hearing, a copy of any evidence substantiating the identity 528
of the designated party. 529

(2) Upon receipt of evidence of the identity of the 530
designated party, the local authority or its designee may issue a 531
ticket to the designated party. 532

A local authority shall ensure that a ticket issued under 533
division (D)(2) of this section conforms with division (B) of 534
section 4511.097 of the Revised Code. The local authority shall 535
send the ticket by ordinary mail not later than twenty-one days 536
after receipt of the evidence from the hearing officer or the 537
registered owner of the identity of the designated party. 538

(E) If a designated party who is issued a ticket under 539
division (D)(2) of this section or division (B) of section 540
4511.098 of the Revised Code contests the ticket by filing a 541
written request for an administrative hearing to review the ticket 542
not later than thirty days after receipt of the ticket, the local 543

authority shall require the registered owner of the motor vehicle 544
also to attend the hearing. If at the hearing involving the 545
designated party the hearing officer cannot determine the identity 546
of the operator of the vehicle at the time of the violation, the 547
registered owner is liable for the violation. The hearing officer 548
then shall issue a written decision imposing liability for the 549
violation on the registered owner and submit it to the local 550
authority or its designee and to the registered owner. If the 551
designated party also is a registered owner of the vehicle, 552
liability for the violation shall follow the order of registered 553
owners as listed on the title to the vehicle. 554

(F) A person or entity may appeal a written decision rendered 555
by a hearing officer under this section to the municipal court 556
with jurisdiction over the location where the violation occurred. 557

Sec. 4511.0910. A traffic law violation for which a civil 558
penalty is imposed under sections 4511.093 to 4511.099 of the 559
Revised Code is not a moving violation and points shall not be 560
assessed against a person's driver's license under section 561
4510.036 of the Revised Code. In no case shall such a violation be 562
reported to the bureau of motor vehicles or motor vehicle 563
registration bureau, department, or office of any other state, nor 564
shall such a violation be recorded on the driving record of the 565
owner or operator of the vehicle involved in the violation. 566

Sec. 4511.0911. (A) Upon request, each manufacturer of a 567
traffic law photo-monitoring device shall provide to a local 568
authority utilizing its devices the maintenance record of any such 569
device used in that local authority. 570

(B)(1) Commencing January 2015, not later than the last day 571
of January of each year, the manufacturer of a traffic law 572
photo-monitoring device shall provide to the applicable local 573

authority a certificate of proper operation that attests to the 574
accuracy of the device in recording a traffic law violation. 575

(2) In addition to the requirement prescribed in division 576
(B)(1) of this section, for every such device that is considered 577
mobile, meaning it is attached to a trailer, vehicle, or other 578
wheeled apparatus so that it is easily moved to different system 579
locations, both of the following apply: 580

(a) Each local authority shall test the accuracy of each such 581
device with an independent, certified speed measuring device or 582
some other commonly accepted method prior to its use at each 583
system location. 584

(b) Each local authority shall clearly and conspicuously mark 585
on the outside of the trailer, vehicle, or wheeled apparatus that 586
contains the traffic law photo-monitoring device that the device 587
is contained therein and that the trailer, vehicle, or wheeled 588
apparatus is the property of the local authority. 589

(C) In the case of a traffic law photo-monitoring device that 590
is used at an intersection to detect violations of section 4511.12 591
of the Revised Code based on the failure to comply with section 592
4511.13 of the Revised Code or a substantially equivalent 593
municipal ordinance, the local authority shall not issue a ticket 594
alleging a violation when a vehicle makes a legal right or left 595
turn-on-red-signal if all of the following apply: 596

(1) The vehicle can make the turn safely. 597

(2) The vehicle comes to a complete stop at any point prior 598
to completing the turn. 599

(3) No pedestrians are in the crosswalk, or are about to 600
enter the crosswalk, of any approach to the intersection the 601
vehicle occupies while commencing or making the turn. 602

Sec. 4511.0912. A local authority that utilizes a traffic law 603

photo-monitoring device to detect violations of sections 4511.21 604
or 4511.211 of the Revised Code or a substantially equivalent 605
municipal ordinance due to failure to observe the applicable speed 606
limit shall not issue a ticket unless one of the following 607
applies: 608

(A) For a system location that is located within a school 609
zone or within the boundaries of a state or local park or 610
recreation area, the vehicle involved in the violation is 611
traveling at a speed that exceeds the posted speed limit by not 612
less than six miles per hour. 613

(B) For a system location that is located at any other 614
location, the vehicle involved in the violation is traveling at a 615
speed that exceeds the posted speed limit by not less than ten 616
miles per hour. 617

Sec. 4511.751. (A) As used in this section, "license: 618

(1) "License plate" includes, but is not limited to, any 619
temporary license placard issued under section 4503.182 of the 620
Revised Code or similar law of another jurisdiction. 621

(2) "Photo-monitoring device" means an electronic system 622
consisting of a photographic, video, or electronic camera that 623
produces photographs, videotapes, or digital images. 624

(B)(1) When the operator of a school bus believes that a 625
motorist has violated division (A) of section 4511.75 of the 626
Revised Code or a substantially equivalent municipal ordinance, 627
the operator shall report the license plate number and a general 628
description of the vehicle and of the operator of the vehicle to 629
the law enforcement agency exercising jurisdiction over the area 630
where the alleged violation occurred. The information contained in 631
the report relating to the license plate number and to the general 632
description of the vehicle and the operator of the vehicle at the 633

time of the alleged violation may be supplied by any person with 634
first-hand knowledge of the information. Information of which the 635
operator of the school bus has first-hand knowledge also may be 636
corroborated by any other person. 637

(2) A school bus may be equipped with a photo-monitoring 638
device for the purpose of determining a violation of division (A) 639
of section 4511.75 of the Revised Code or a substantially 640
equivalent municipal ordinance. When the operator of a school bus 641
believes that a motorist has violated division (A) of section 642
4511.75 of the Revised Code or a substantially equivalent 643
municipal ordinance and a photo-monitoring device was in use at 644
the time of the alleged violation, the operator shall submit any 645
photographs, videotapes, or digital images produced by the 646
photo-monitoring device at the time of the alleged violation to 647
the law enforcement agency exercising jurisdiction over the area 648
where the alleged violation occurred. 649

~~Upon~~ (C)(1) Except as provided in division (C)(2) of this 650
section, upon receipt of the report described in division (B)(1) 651
of this section of the alleged violation of division (A) of 652
section 4511.75 of the Revised Code, the law enforcement agency 653
shall conduct an investigation to attempt to determine or confirm 654
the identity of the operator of the vehicle at the time of the 655
alleged violation. If the identity of the operator at the time of 656
the alleged violation is established, the reporting of the license 657
plate number of the vehicle shall establish probable cause for the 658
law enforcement agency to issue a citation for the violation of 659
division (A) of section 4511.75 of the Revised Code. However, if 660
the identity of the operator of the vehicle at the time of the 661
alleged violation cannot be established, the law enforcement 662
agency shall issue a warning to the owner of the vehicle at the 663
time of the alleged violation, except in the case of a leased or 664
rented vehicle when the warning shall be issued to the lessee at 665

the time of the alleged violation. 666

(2) All alleged violations of division (A) of section 4511.75 667
of the Revised Code or a substantially equivalent municipal 668
ordinance that are captured by a photo-monitoring device as 669
described in division (B)(2) of this section shall be processed 670
solely in accordance with sections 4511.093 to 4511.0912 of the 671
Revised Code. 672

(D) The registrar of motor vehicles and deputy registrars 673
~~shall~~, at the time of issuing license plates to any person, shall 674
include with the license plate a summary of the requirements of 675
division (A) of section 4511.75 of the Revised Code and the 676
procedures of, and penalty in, division (F) of section 4511.75 of 677
the Revised Code. 678

Section 2. That existing sections 1901.20, 4511.093, 679
4511.094, and 4511.751 and section 4511.092 of the Revised Code 680
are hereby repealed. 681