



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 143

128th General Assembly  
(As Introduced)

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

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## BILL SUMMARY

- Replaces the provision prohibiting counties and townships from using traffic law photo monitoring devices until after advisory signage requirements are followed with a provision prohibiting the State Highway Patrol and any law enforcement agency of a county or township from using traffic law photo-monitoring devices to determine compliance with, or to detect a violation of, any provision of the Revised Code that governs or regulates the operation of motor vehicles, except when a State Highway Patrol trooper or any law enforcement officer employed by a law enforcement agency of a county or township is present at the location of such a device and issues tickets, citations, or summonses at the general time and general location of the violations.

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## CONTENT AND OPERATION

### Current law

Current law prohibits municipal corporations, counties, and townships ("local authority" or "authority") from using traffic law photo-monitoring devices to enforce any traffic law until after the local authority erects signs on every highway that is not a freeway that is part of the state highway system and that enters that local authority. Such signs must inform inbound traffic that the local authority utilizes traffic law photo-monitoring devices to enforce traffic laws. The signs must be erected within the first 300 feet of the boundary of the local authority or, if the signs cannot be located within the first 300 feet of the boundary of the local authority, as close to that distance as possible. If a particular highway enters and exists the territory of a local authority multiple times, the local authority must erect the signs as required in this paragraph 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, maintenance, and replacement, if necessary, of the signs. All signs must conform in size, color, location, and content to standards contained in the manual adopted by the Department of Transportation and must remain in place for as long as the local authority utilizes traffic law photo-monitoring devices to enforce any traffic law.

Any ticket, citation, or summons issued by or on behalf of the local authority for any traffic law violation based upon evidence gathered by a traffic law photo-monitoring device after March 12, 2009, but before the signs have been erected is invalid. However, no ticket, citation, or summons is invalid if the local authority is in substantial compliance with the requirement of this paragraph to erect the signs. A local authority is deemed to be in substantial compliance with the requirement of this paragraph to erect the advisory signs if the authority first erects all of the above-required signs, subsequently maintains and replaces the signs as needed so that at all times at least 90% of the required signs are in place and functional, and annually documents and upon request certifies its compliance with those requirements.

Additionally, current law provides that a local authority that uses traffic law photo-monitoring devices to enforce any traffic law at an intersection where traffic is controlled by traffic control signals that exhibit different colored lights or colored lighted arrows must 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 R.C. 4511.09. (R.C. 4511.094.)

### **Operation of the bill**

The bill replaces the term "local authority" or "authority" with "municipal corporation" each time that word appears in the current law provisions discussed above. Consequently, the bill makes the prohibition described in current law apply only to municipal corporations (not townships and counties).

The bill prohibits the State Highway Patrol and any law enforcement agency of a county or township from using a "traffic law photo-monitoring device" to determine compliance with, or to detect a violation of, any provision of the Revised Code that governs or regulates the operation of motor vehicles. The bill provides that this prohibition does not apply to the use of a traffic law photo-monitoring device when a State Highway Patrol trooper or any law enforcement officer employed by a law enforcement agency of a county or township is present at the location of the traffic law

photo-monitoring device and issues tickets, citations, or summonses at the general time and general location of the traffic law violations. (R.C. 4511.094 and 4511.095(A)(1), (2), and (3) and (B).)

The bill defines "traffic law photo-monitoring device" for purposes of the bill's provisions dealing with the required presence of a law enforcement officer when such devices are used to mean 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. This definition is identical to the definition used in current law for the provisions dealing with signage requirements when using such devices. (R.C. 4511.095(A)(4).)

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## HISTORY

ACTION	DATE
Introduced	04-22-09

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