



Ohio Legislative Service Commission

Bill Analysis

Amanda M. Ferguson

Am. H.B. 69

130th General Assembly
(As Passed by the House)

Reps. Maag and Mallory, J. Adams, Becker, Blessing, Buchy, Dovilla, Hood, Huffman, Milkovich, Ramos, Burkley, Conditt, Johnson, Lynch, Reece, Retherford, Roegner, Terhar, Thompson, Young, Batchelder

BILL SUMMARY

- With one exception, prohibits a municipal corporation, county, or township and the State Highway Patrol from using a traffic law photo-monitoring device to determine a violation of either the state traffic light or speed limit statute, or a substantially equivalent municipal ordinance or county or township resolution.
- Allows the use of a traffic law photo-monitoring device to enforce speed limits in a school zone during hours of the 20 miles per hour school zone speed limit, but only if a local law enforcement officer is present.
- Specifies that the prohibition established by the bill serves the purpose of Article II, Section 34 of the Ohio Constitution which provides, in part, that "laws may be passed for the comfort, health, safety and general welfare of all employees."
- As a result of the new prohibition, repeals outright:
 - Provisions that relate to a leased or rented motor vehicle that violates a traffic law and whose image is captured by a traffic law photo-monitoring device at the time of the violation; and
 - Provisions that require the posting of signs by a local authority on state highways that inform the traveling public that the local authority utilizes such devices within its boundaries.

CONTENT AND OPERATION

Prohibition against the use of traffic law photo-monitoring devices in certain circumstances

With one exception, the bill prohibits a local authority and the State Highway Patrol, utilizing either its own employees, those of another public entity, or those of a private entity, from using a traffic law photo-monitoring device to determine compliance with, or to detect a violation of, either the state traffic light statute or the state speed limit statute, or a municipal ordinance or county or township resolution that is substantially equivalent to either of those two statutes. A "local authority" is defined to mean a municipal corporation, county, or township, while a "traffic law photo-monitoring device" is defined 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.¹

The bill allows a local authority to use a traffic law photo-monitoring device for speed limit violations (and a substantially equivalent municipal ordinance or county or township resolution) within a school zone during the hours that a school zone speed limit of 20 miles per hour may be in effect, but only if a law enforcement officer employed by the local authority is present at the location of the traffic law photo-monitoring device. School zone speed limit hours apply during a school recess and while children are going to or leaving school during opening or closing hours.²

The bill states that Article II, Section 34 of the Ohio Constitution provides that laws may be passed providing for the comfort, health, safety and general welfare of all employees. (See **COMMENT.**) The bill further states that the General Assembly finds these ends will be served by enacting legislation that prohibits the use of traffic law photo-monitoring devices, and therefore, in furtherance of the ends provided in that provision of the Ohio Constitution, the General Assembly hereby enacts the new prohibition.³

Because the bill prohibits the use of traffic law photo-monitoring devices, the bill also repeals outright a section of the Revised Code that relates to a leased or rented motor vehicle that violates a traffic law and whose image is captured by a traffic law

¹ R.C. 4511.095(B) and (C)(1).

² R.C. 4511.095(C)(2) and R.C. 4511.21, not in the bill.

³ R.C. 4511.095(A).



photo-monitoring device at the time of the violation,⁴ and another section that requires the posting of signs by a local authority on state highways that inform the traveling public that the local authority utilizes traffic law photo-monitoring devices within its boundaries.⁵

COMMENT

Article II, Section 34 of the Ohio Constitution reads: "Laws may be passed fixing and regulating the hours of labor, establishing a minimum wage, and providing for the comfort, health, safety and general welfare of all employees; and no other provision of the constitution shall impair or limit this power."

HISTORY

ACTION	DATE
Introduced	02-20-13
Reported, H. Transportation, Public Safety & Homeland Security	06-25-13
Passed House (64-32)	06-26-13

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⁴ R.C. 4511.092.

⁵ R.C. 4511.094.

