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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 142
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Patton

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SUMMARY

- Prohibits a local authority from deriving more than 30% of its total annual revenue from the issuance of tickets for traffic law violations based on evidence recorded by traffic cameras.

DETAILED ANALYSIS

Limitations on the use of traffic cameras by local authorities

Current law authorizes a local authority to utilize a traffic law photo-monitoring device ("traffic camera") for the purpose of detecting traffic law violations, subject to statutory conditions. The bill adds, as an additional condition, that no local authority may derive more than 30% of its total annual revenue from the issuance of tickets for traffic law violations based on evidence recorded by traffic cameras (see **Comment**).¹

Definitions

As used in the bill:

"Local authority" means a municipal corporation, county, or township (see **Comment**);

"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 recorded images; and

"Traffic law violation" means the failure to comply with either a traffic signal indication (i.e. a traffic light requirement) or the failure to observe the applicable speed limit.

¹ R.C. 4511.093(B)(4).

COMMENT

The provisions of the bill may infringe upon a municipal corporation's authority to exercise its powers of local self-government under Article XVIII, Section 3 of the Ohio Constitution. See *Northern Ohio Patrolmen's Benevolent Association v. Parma*, 61 Ohio St.2d 375 (1980). Further, the Ohio Supreme Court has routinely held that a municipal corporation may maintain a traffic camera program under its home rule authority (granted through Article XVIII of the Ohio Constitution). *Dayton v. State*, 151 Ohio St.3d 168, 2017-Ohio-6909, ¶ 1; *Mendenhall v. Akron*, 117 Ohio St.3d 33, 2008-Ohio-270, 881 N.E.2d 255.

HISTORY

Action	Date
As Introduced	03-19-19