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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 139
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Patton

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SUMMARY

- Prohibits a municipal corporation or township that does not operate either a fire department or an emergency medical service organization from using traffic cameras.

DETAILED ANALYSIS

Limitations on the use of traffic cameras by certain local authorities

The bill prohibits a municipal corporation or township from operating a traffic law photo-monitoring device (“traffic camera”) to detect traffic violations if the municipal corporation or township does not operate either a fire department or an emergency medical service organization. The bill limits the authority of the above referenced municipal corporations and townships by amending the current definition of “local authority” under the Traffic Camera Law and specifying that a municipal corporation or township that is not a “local authority” may not operate traffic cameras. Under current law, a local authority may operate traffic cameras subject to certain limitations (see **Comment**). “Local authority” is defined to mean a municipal corporation, county, or township. The bill modifies this definition to exclude both of the following:

1. Any municipal corporation that does not operate either a municipal fire department or municipal medical service organization; or
2. Any township that does not operate either a township fire department or a township emergency medical service organization.¹

Definitions

As used in the bill:

¹ R.C. 4511.092(D) and 4511.093(C).

“Emergency medical service organization” means an organization operated by the municipal corporation or township that uses first responders, EMTs-basic, EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics to provide emergency medical services.

“Fire department” means a fire department of a municipal corporation or township, as applicable, but does not include a volunteer fire department.

“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.²

COMMENT

The provisions of the bill may infringe upon a municipal corporation’s home rule authority under Article XVIII, Section 3 of the Ohio Constitution. See *Canton v. State*, 95 Ohio St.3d 149 (2002). The Ohio Supreme Court has routinely held that any 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
Introduced	03-19-19

² R.C. 4511.092.