



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Helena Volzer

H.B. 208

132nd General Assembly
(As Introduced)

Rep. Patton

BILL SUMMARY

- Prohibits a local authority with a population of 200 or fewer from using traffic cameras.
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CONTENT AND OPERATION

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 limits that authority by specifying that no local authority with a population of 200 or fewer may use traffic cameras. Under current law, a "local authority" means a municipal corporation, county, or township (see **COMMENT**).¹

The existing statutory limitations on the use of traffic cameras are as follows:

(1) A law enforcement officer must be present at the location of each camera at all times during the operation of the camera and the local authority must comply with signage, safety study, and public notice requirements;

(2) A law enforcement officer who is present at the location of the camera and who personally witnesses a traffic law violation may issue a standard criminal citation for the violation and is not required to comply with traffic camera-related procedural requirements or the limitations on the issuance of a ticket at specified speeds; and

¹ R.C. 4511.093(B)(4) and 4511.092(D), not in the bill.

(3) If a law enforcement officer does not issue a citation as provided above but a traffic law violation is recorded by a traffic camera, the local authority may only issue a civil citation for the violation and must comply with specified procedural requirements, including requirements related to the examination of evidence and hearing procedures.²

Definitions

As used in the bill:

"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.³

COMMENT

It is unclear if the provisions of the bill 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).

HISTORY

ACTION	DATE
Introduced	05-09-17

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² R.C. 4511.093.

³ R.C. 4511.092(K) and (L), not in the bill.

