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Bill Analysis
Legislative Service Commission

H.B. 114

123rd General Assembly
(As Introduced)

Reps. Corbin, Terwilleger, Van Vyven, Young, Winkler, Allen, Bender

BILL SUMMARY

- Permits counties and townships to install traffic control signal photo-monitoring devices at county and township intersections.
- Creates a pilot project in the Department of Public Safety involving installation of necessary traffic control signal photo-monitoring devices at one intersection in each of the seven largest cities of this state.

CONTENT AND OPERATION

Traffic photo-monitoring in counties and townships

Nature of photo-monitoring devices; authorization for use

The bill permits counties and townships to authorize the installation of a traffic control signal photo-monitoring device at any intersection located within the county or township at which a traffic control signal is located, if that traffic signal exhibits different colored lights.¹ A "traffic control signal photo-monitoring device" is defined as an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work in conjunction with a traffic control signal to automatically produce photographs, videotape, or digital images of each vehicle that violates the instruction of (i.e., "runs") a red light of the traffic control signal. (Sec. 4511.092(A) and (B).)

In order for a county or township to have a traffic control signal photo-monitoring device, a board of county commissioners or a board of township trustees must authorize its installation by passing a resolution. In addition, the bill

¹ Under its Home Rule powers, a municipal corporation could install these types of devices on municipal roads because state law does not govern the use of these types of devices.

requires the Ohio Department of Transportation (ODOT) to adopt standards for these devices and requires that all traffic control signal photo-monitoring devices installed by counties and townships comply with ODOT's standards. (Sec. 4511.092(B) and (E).)

Law enforcement image examination

The bill permits a county or township law enforcement officer to examine any photograph, videotape, or digital image recorded by a traffic control signal photo-monitoring device *of a motor vehicle that "runs" the signal's red light*. If the photograph, videotape, or digital image (1) contains a notation of the date and time of the alleged offense, (2) permits the law enforcement officer to read the letters and numbers on at least one of the vehicle's license plates, and (3) contains an image of the vehicle's operator of sufficient quality to identify the operator, the law enforcement officer must use any legal means to obtain the name and mailing address of the vehicle's owner or operator. The law enforcement officer then can send a citation, ticket, or summons charging the owner or operator, as applicable, with a violation of the law prohibiting the failure to obey a traffic control device.² (Sec. 4511.092(C).)

If the law enforcement officer *knows or gains knowledge of the identity of the operator* of the motor vehicle who appears in the photograph, videotape, or digital image, the officer must send the citation, ticket, or summons to the operator. But, if the law enforcement officer *does not know the operator's identity* and reasonably concludes from the photograph, videotape, or digital image that the motor vehicle owner could have been operating the vehicle at the time of the alleged violation, the officer must send the citation, ticket, or summons to the owner. (Sec. 4511.092(C)(1) and (2).)

Anyone who receives a citation, ticket, or summons under any of the previously described circumstances may appear in court to answer the charge and assert available defenses to the charge (sec. 4511.092(D)).

State pilot project in seven cities for traffic control signal photo-monitoring devices

The bill requires the Ohio Department of Public Safety to conduct a pilot project of traffic control signal photo-monitoring devices in the seven most

² *Sec. 4511.12. A violation of this section can result in different penalties depending upon the circumstances involved, ranging from a minor misdemeanor to a misdemeanor of the third degree. Repeated violations of this section by those under 18 years of age can lead to a suspended driver's license. (Secs. 4507.162 and 4511.99(D).)*

populous cities in Ohio.³ This project is to last for only three to six months. The Department must pay all the expenses associated with obtaining, installing, and maintaining all the traffic control signal photo-monitoring devices needed to provide complete coverage of one intersection within each of the seven cities. The legislative authority of each city must designate the intersection where the necessary devices will be installed. (Section 2.)

Each city receiving the devices must keep detailed records of the motor vehicle accidents that occur at its designated intersection for a period of time prior to the devices' installation, as prescribed by the Director of Public Safety. After the installation of the devices, the cities also must keep similar detailed records, and the Director may require additional data to be recorded. (Section 2.)

Within 60 days after the end of the pilot project, each city must submit its data to the Director in the form determined by the Director. The Director then must prepare a report on all aspects of the pilot project, including all associated costs and the effect (if any) that the devices had on the number of traffic control signal violations and accidents that occurred at each of the designated intersections, and must submit this report to the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the House and Senate no later than 180 days after the end of the pilot project. (Section 2.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-28-99	pp. 121-122

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³ *At the last federal decennial census in 1990, the top seven most populous cities in Ohio were Columbus, Cleveland, Cincinnati, Toledo, Akron, Dayton, and Youngstown.*