



Sub. H.B. 114

123rd General Assembly

(As Reported by H. Local Gov't & Townships)

Reps. Corbin, Terwilleger, Van Vyven, Winkler, Allen, Bender, O'Brien

BILL SUMMARY

- Permits counties, townships, and municipal corporations to install traffic control signal photo-monitoring devices at intersections and decriminalizes violations for running red lights detected by those devices.
- Requires the Department of Transportation to adopt standards for those devices and to issue an annual report about the effectiveness of those devices used in this state.

CONTENT AND OPERATION

Traffic control signal photo-monitoring devices

Their authorized use and decriminalization of red light violations detected by them

The bill permits the legislative authorities of municipal corporations, counties, and townships to authorize the installation of a traffic control signal photo-monitoring device at any intersection that is located within the municipal corporation, county, or township, that is under its control, and at which a traffic control signal is located that exhibits different colored lights. 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, the board of county commissioners or board of township trustees must adopt a resolution to authorize its installation; the legislative

authority of a municipal corporation must adopt an ordinance to authorize the installation of such a device. If a motor vehicle runs a red light and that violation is detected by a photo-monitoring device so authorized, the violation *cannot be considered a criminal offense* for any purpose, nor can the person who commits the violation be arrested as a result of the violation. Instead, the ordinance or resolution adopted to authorize the installation of the photo-monitoring device must include a *fine* for a red light violation detected by the device and prescribe an *additional penalty* or penalties for failure to answer any charges of the violation in a timely manner. The fine or additional penalty cannot (1) exceed the fine established, by the municipal or county court having territorial jurisdiction over the entire or a majority of the political subdivision that adopted the ordinance or resolution, in its schedule of fines established under the Ohio Traffic Rules for a substantively comparable violation and (2) in any event exceed \$100, plus costs and other administrative charges, per violation. (Sec. 4511.092(B).)

Law enforcement image examination

The bill permits a municipal corporation, county, or township law enforcement officer to examine any photograph, videotape, or digital image recorded by a traffic control signal photo-monitoring device *to determine whether a motor vehicle has "run" the signal's red light*. If the photograph, videotape, or digital image (1) shows an alleged violation, (2) contains a notation of the date and time of the alleged violation, and (3) permits the law enforcement officer to read the letters and numbers on at least one of the vehicle's license plates, the law enforcement officer may use any legal means to obtain the name and mailing address of the *vehicle's owner*. The law enforcement officer then may send a ticket charging the owner with a violation of the instruction of the red light of the traffic control signal. (Sec. 4511.092(C).)¹

Answering a ticket

A ticket issued under the bill is for a noncriminal violation and *generally* is to be enforced (including payment of the associated fine) as local noncriminal parking infractions are enforced. The Noncriminal Parking Infractions Law (R.C. Chapter 4521.) provides for answering a ticket by (1) admission of the infraction by payment of the requisite fine, (2) admission of the infraction with an explanation of circumstances potentially mitigating the infraction, or (3) denial of the infraction with a request for a hearing. (Sec. 4511.092(B) and (D)(1).)

¹ *Traffic Rules 2 and 3 require the use of the Ohio Uniform Traffic Ticket for all moving traffic violations. That ticket is the complaint and summons for the case.*

The bill adds a fourth method of potentially answering a ticket issued under it: denial of the violation with either of two types of explanation. A motor vehicle's owner is entitled to establish *nonliability* for a violation of the instruction of a red light of a traffic control signal that is detected by a photo-monitoring device by denying the violation and by establishing (1) that the vehicle was in the care, custody, or control of a person other than the owner at the time of the violation under a written rental or lease agreement or (2) that the vehicle or was stolen at the time of the violation. The owner may establish either of these occurrences by submitting within 60 days after receiving the ticket to the bureau or court that receives the owner's answer an affidavit or documentary evidence as follows: in the case of a lease or rental, a copy of the written rental or lease agreement or an affidavit stating the name and address of the lessee or renter at the time of the violation and, in the case of a stolen vehicle, a copy of a law enforcement agency report stating that the vehicle was reported as being stolen before the violation or an affidavit stating that the vehicle was stolen at the time of the violation. The bureau or court that receives the answer will determine if the evidence submitted meets the standard to establish nonliability. (Sec. 4511.092(D)(1) and (2).)

If the owner of the vehicle is found not liable because the vehicle was rented or leased at the time of the violation, the bureau or court making that determination must notify the law enforcement officer who sent the ticket to the owner of that determination and provide the officer with the evidence establishing another individual as the vehicle's renter or lessee and, thus, its probable operator at the time of the violation. The officer then could issue a ticket for the violation to the renter or lessee, and that person would be charged with and liable for the violation to the same extent, and could proceed in the same manner, as an originally charged owner. (Sec. 4511.092(D)(3).)

Duties of Department of Transportation

The bill requires the Department of Transportation to adopt standards for traffic control signal photo-monitoring devices. Its initial standards must be adopted within six months from the bill's effective date. All photo-monitoring devices installed under the bill's provisions must meet those adopted standards. (Sec. 4511.092(E); Section 2 of the bill.)

In addition, the Department annually must collect information about the effectiveness of photo-monitoring devices used in Ohio and any other data about their use that it considers relevant. The Department then must issue a report annually setting forth that information and data and send a copy of the report to the President of the Senate and the Speaker of the House of Representatives. (Sec. 4511.092(E).)

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|---|----------|---------------|
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| Reported, H. Local Gov't & Townships | 06-17-99 | pp. 889-890 |

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