



Joseph G. Aninao

Bill Analysis
Legislative Service Commission

Sub. H.B. 241

124th General Assembly
(As Reported by H. Transportation & Public Safety)

Reps. Latta, Lendrum, Sferra, Perry, Carano, Jerse, Allen

BILL SUMMARY

- Establishes standards and procedures that apply when counties, townships, and municipal corporations install traffic control signal photo-monitoring devices at intersections, and decriminalizes violations for running red lights detected by those devices.
- Requires prior notice of the location of any such device to be published in a local newspaper for a specified period of time before the device may be used to monitor the intersection, and requires the placement of a sign at the intersection when it is monitored by any such device that provides notice that the intersection is being monitored by the device.
- Provides that during the first 30 days that such a device is in operation, the owner of a vehicle detected by the device as running the signal's red light cannot be issued a ticket, but may be issued only a warning.
- With certain exceptions, makes the standards and procedures that apply to such devices applicable only to counties that have a population greater than 400,000 and municipal corporations and townships located in such counties.
- Requires the time period during which yellow lights or arrows are displayed on signals where such devices are located to conform with the Ohio Manual of Uniform Traffic Control Devices.
- Prohibits any contingent fee contract for any entity that processes or enforces citations or collects money for violations captured by such devices.

- Permits the creation of traffic control signal violations bureaus and joint traffic control signal violations bureaus.

CONTENT AND OPERATION

Use and decriminalization of red light violations detected by traffic control signal photo-monitoring devices

Under the bill, any legislative authority of a municipal corporation, county, or township that authorizes, by ordinance or resolution, as applicable, the installation of a traffic control signal photo-monitoring device at an intersection: (1) that is located within the municipal corporation, county, or township, (2) that is under its control, and (3) at which a traffic control signal is located that exhibits different colored lights is required to conspicuously place and maintain, at the intersection monitored by the device, notice that the intersection is being monitored by the device and must comply with the bill (sec. 4511.094). The bill defines "traffic control signal photo-monitoring device" 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. 4511.093).

A local authority that authorizes the installation of a device under the bill must give notice of the intersection where the device will be located and the date on which the device will begin to monitor the intersection. The notice must be given daily for at least 14 days prior to the installation of the device in a newspaper of general circulation throughout its political subdivision. If there is not a daily newspaper circulated throughout the political subdivision, the notice must be given weekly for at least four weeks prior to the installation of the device in a weekly newspaper circulated throughout the political subdivision. (Sec. 4511.092.)

If a motor vehicle runs a red light and that violation is detected by a photo-monitoring device authorized and used under the bill, the violation cannot be considered a criminal offense for purposes of the bill, nor can the person who commits the violation be arrested for purposes of the bill as a result of the violation. Instead, the violation generally must be treated in the same manner as an infraction under the existing Noncriminal Parking Infractions Law (see "*Law enforcement image examination, warnings, and tickets*" and "*Answering a ticket*," below). Regarding the violation, the ordinance or resolution adopted to authorize the installation of the photo-monitoring device must include a fine for a red light violation that is 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.

Except as otherwise provided in the bill, the provisions of the Noncriminal Parking Infractions Law that govern enforcement and appeal procedures and the payment of fines in relation to noncriminal parking infractions, including, but not limited to, the provisions that prohibit in specified circumstances the renewal or transfer of the registration of the vehicle involved in a violation or any vehicle owned or leased by a person against whom a judgment is entered based on a violation, also apply to violations detected by a traffic control signal photo-monitoring device. In applying the Noncriminal Parking Infractions Law to violations detected by such a device, all references in that Law to "parking infractions" must be construed as being references to violations detected by a traffic control signal photo-monitoring device, all references to a "parking violations bureau" or "joint parking violations bureau" must be construed as being references to a traffic control signal violations bureau or a joint traffic control signal violations bureau, if any, established under the bill (see "*Establishment of a traffic control signal violations bureau or joint bureau*," below), and all other terminology included in that Law must be construed in their application to violations detected by a traffic control signal photo-monitoring device in a reasonable and appropriate manner to give effect to the bill.

At all intersections at which traffic control signal photo-monitoring devices are installed, the time period during which the traffic control signal displays a yellow light or yellow arrow must conform with the provisions contained in ODOT's Manual of Uniform Traffic Control Devices governing the time of display of yellow lights and yellow arrows by traffic control signals. (Sec. 4511.094.)

Law enforcement image examination, warnings, and tickets

The bill provides that only a law enforcement officer employed by a municipal corporation, county, or township that uses a traffic control signal photo-monitoring device as authorized under the bill may examine any photograph, videotape, or digital image recorded by the 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 the vehicle's rear license plate, the law enforcement officer



may use any legal means, including contacting the Bureau of Motor Vehicles, to obtain the name and mailing address of the vehicle's owner. Generally, 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. For the first 30 days that a traffic control signal photo-monitoring device monitors an intersection, the municipal corporation, county, or township can issue only warning notices and cannot issue any ticket or citation for any alleged violation that the device detects.

A law enforcement officer employed by a municipal corporation, county, or township that adopts an ordinance or resolution as provided under the bill or an officer or employee of a governmental or nongovernmental entity that is a party to an enforcement contract entered into under the bill (see below) may contact the BMV to obtain the name and mailing address of the owner of a motor vehicle that commits an alleged violation or any information needed to assist in processing, collecting, and enforcing tickets issued relative to, or civil judgments and default judgments entered relative to, any violation addressed by the bill. (Sec. 4511.096.)

The bill permits the BMV to disclose personal information about an individual for use by a political subdivision or a private person or entity acting on behalf of a political subdivision in the enforcement of traffic control signal violations detected by a traffic control signal photo-monitoring device (sec. 4501.27(B)(2)(1)).

Establishment of a traffic control signal violations bureau or joint bureau

Under the bill, the legislative authority of a municipal corporation, board of county commissioners, or board of township trustees that authorizes the installation of a traffic control signal photo-monitoring device may request the municipal court or county court having territorial jurisdiction over the municipal corporation, county, or township to authorize it to establish a traffic control signal violations bureau. The bureau would handle all traffic control signal violations that are detected by traffic control signal photo-monitoring devices installed and used by the municipal corporation, county, or township and that occur within the territorial jurisdiction of the court.

The bill permits two or more legislative authorities of municipal corporations, boards of county commissioners, or boards of township trustees that authorize the installation of a traffic control signal photo-monitoring device and that are within the territorial jurisdiction of the same municipal court or county court to join together and, by ordinance or resolution, request the municipal court or county court to authorize the municipal corporations, counties, or townships to jointly establish a joint traffic control signal violations bureau for the purposes described above.

Either type of request must be filed with the clerk of the municipal court or county court. Upon the filing of the request, the court, by journal entry, must authorize the political subdivision or subdivisions that made the request to establish a traffic control signal violations bureau or a joint bureau. When the court grants that authority, the requesting political subdivision or subdivisions may establish the bureau.

A municipal corporation, county, or township that establishes a traffic control signal violations bureau, or the municipal corporations, counties, or townships that jointly establish a bureau, may contract with any governmental or nongovernmental entity to provide services in processing, collecting, and enforcing tickets issued by law enforcement officers and civil judgments and default judgments entered pursuant to the bill and to the Noncriminal Parking Infractions Law in relation to traffic control signal violations detected by traffic control signal photo-monitoring devices. Any governmental or nongovernmental entity that is a party to such a contract may use any legal means, including contacting the BMV, to process, collect, and enforce any ticket, civil judgment, or default judgment issued or entered pursuant to the bill and to that Law.

The bill prohibits any municipal corporation, county, or township from entering into any contract with any governmental or nongovernmental entity for the provision of services relating to the installation or maintenance of traffic control signal photo-monitoring devices or any services related to the processing, collecting, or enforcing of tickets, civil judgments, and default judgments entered under the bill if the contract involves payment of any type by the municipal corporation, county, or township to the governmental or nongovernmental entity on a contingent basis. "Contingent basis" is defined as "any portion of or all of the payments made by the municipal corporation, county, or township" to the contracting entity is "dependent upon fines being levied or collected by the county, municipal corporation, or township due to traffic control signal violations detected by traffic control signal photo-monitoring devices, and the payment is either a fixed amount of every such fine or an amount to be determined by a specified formula, including, but not limited to, a percentage of every such fine." (Sec. 4511.095.)

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 under the Noncriminal Parking Infractions Law (Chapter 4521.). That Law 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.

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. Under the new method, 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 that: (1) 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) the vehicle 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: (1) 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 in possession of the vehicle at the time of the violation, or (2) 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 must determine if the explanation and the evidence submitted meet the standard to establish nonliability and must notify the person, in writing, of its determination. (Sec. 4511.097(A) and (B).)

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 may issue a ticket for the violation to the renter or lessee, and that person may be charged with and is liable for the violation to the same extent as an originally charged owner. (Sec. 4511.097(B).)

Limitation on applicability of the bill; exception to the limitation

With an exception to grandfather existing programs (see below) the bill applies only to counties that have a population greater than 400,000 persons at the last federal census and municipal corporations and townships that are located in a county having a population of greater than 400,000 persons at the last federal census. (Sec. 4511.093(B)(1).)

The bill prohibits traffic control signal photo-monitoring devices from being installed by or on behalf of any county that has a population equal to or less than 400,000 persons at the last federal census or municipal corporations or townships that are located in a county having a population equal to or less than 400,000 persons at the last federal census. (Sec. 4511.093(B)(2).)

The bill does not affect any municipal corporation, county, or township that, on the effective date of the bill, has already installed and is operating at least one traffic control signal photo-monitoring device at an intersection located within its boundaries and has implemented a program involving violations of the instruction of the red light of the traffic control signal, irrespective of any details of the program or how the program is structured, including whether or not under the program (1) such violations are considered criminal offenses, (2) a person other than a law enforcement officer may view images to determine if a violation has occurred, or (3) the municipal corporation, county, or township has entered into a contingent contract with a governmental or nongovernmental entity for the provision of services relating to the program. (Sec. 4511.093(C).)

HISTORY

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