



# Ohio Legislative Service Commission

## Bill Analysis

Amanda M. Ferguson

### S.B. 196

130th General Assembly  
(As Introduced)

Sens. Patton, Smith

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## BILL SUMMARY

- Prohibits the use of traffic law photo-monitoring devices by a municipal corporation to detect red light violations unless the municipal corporation is authorized to establish a mayor's court (see **COMMENT**).

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## CONTENT AND OPERATION

The bill prohibits a municipal corporation, utilizing its own employees, those of another public entity, or those of a private entity, from using a traffic law photo-monitoring device to detect a red light violation unless the municipal corporation is authorized to establish a mayor's court (see **COMMENT**). A 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 photographs, videotape, or digital images of the vehicle or its license plate.<sup>1</sup>

Generally, a municipal corporation may not establish a mayor's court (unless the municipal corporation is Georgetown, Mount Gilead, or any municipal corporation located entirely on an island in Lake Erie) if any of the following apply: (1) the municipal corporation has a population of 200 or less, (2) the municipal corporation is the site of a municipal court, (3) the judge of the Auglaize County, Crawford County, Jackson County, Miami County, Montgomery County, Portage County, or Wayne County municipal court sits in the municipal corporation, or (4) the municipal corporation is Batavia.<sup>2</sup> Accordingly, under the bill, any municipal corporation that

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<sup>1</sup> R.C. 4511.095(A) and (B).

<sup>2</sup> R.C. 1905.01, not in bill.

meets any of the above criteria would be prohibited from utilizing traffic law photo-monitoring devices for the purpose of detecting red light violations.

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## COMMENT

Generally, a municipal corporation is authorized to exercise police powers pursuant to the Home Rule provision of the Ohio Constitution, so long as any exercise of those powers does not conflict with a general state law enacted by the General Assembly (Article XVIII, Section 3). A state statute constitutes a general law if: (1) it is part of a statewide and comprehensive legislative enactment, (2) it applies to all parts of the state alike and operates uniformly throughout the state, (3) it sets forth police, sanitary, or similar regulations, rather than purports only to grant or limit the legislative power of a municipal corporation to set forth police, sanitary, or similar regulations, and (4) it prescribes a rule of conduct upon citizens generally (*Canton v. State*, 95 Ohio St.3d 149, 2002-Ohio-2005).

The Ohio Supreme Court has determined that the regulation of traffic using a traffic law photo-monitoring device is a valid exercise of municipal police powers pursuant to a municipal corporation's constitutional home rule authority (*Mendenhall v. Akron*, 117 Ohio St.3d 33, 2008-Ohio-270). Accordingly, if the prohibition in this bill is challenged and the court determines that it is not a general law, the prohibition would not preempt a contrary municipal ordinance.

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## HISTORY

ACTION	DATE
Introduced	09-26-13

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