



## *Synopsis of Senate Committee Amendments\**

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### **Sub. H.B. 56**

126th General Assembly

(Re-reported by S. Highways & Transportation)

Removes the House provision allowing the issuance of a ticket based on a traffic law photo-monitoring device only if a law enforcement officer is present.

Allows the use of traffic law photo-monitoring devices only to enforce a violation of a traffic control signal, a railroad crossing sign or signal, or a school zone speed limit when flashing lights indicate that it is in effect, unless a law enforcement officer is present at the location of the device and issues the ticket and imposes the burden of proof on a local authority in a contested violation.

Requires a local authority that authorizes the enforcement of traffic laws by means of traffic law photo-monitoring devices to prescribe an appropriate form for the signed statement that a person may submit upon receiving a ticket for a traffic law violation detected by such a device and makes a false statement on the form the offense of falsification, which is a first degree misdemeanor or a fifth degree felony if the person had a prior violation within 12 months.

Prohibits contract payments to a vendor that are contingent on the number of tickets issued or the amount of fines levied or collected.

Prohibits a local authority from using a device to photograph, videotape, or produce a digital image of a vehicle operator for the purpose of determining whether a qualified traffic violation has occurred.

Requires traffic law photo-monitoring devices to conform to Department of Transportation (ODOT) standards, including the timing of yellow lights, and requires existing devices to conform to the bill within 60 days of the bill's effective date.

Requires a local authority to operate the devices from permanently fixed structures and not from portable platforms and to post warning signs that conform to ODOT standards and notify the media before a device becomes operational.

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\* This synopsis does not address amendments that may have been adopted on the Senate floor.

Requires a local authority to compile accident statistics for each traffic control signal location of a traffic law photo-monitoring device, to update the statistics for each location two times per year, and to remove a device from a location that shows an increase in the number of accidents in a 12-month period compared to the accident history at the intersection prior to installation of the device (or continue to use the device only if a law enforcement officer is present).

Requires a law enforcement officer to examine an image recorded by a traffic law photo-monitoring device to determine whether a qualified traffic violation has been committed and decide to issue a ticket based on the image.

Establishes vehicle owner, lessee, or renter liability for qualified traffic violations detected by a traffic law photo-monitoring device and specifies that a motor vehicle leasing or renting dealer who receives a ticket for an alleged violation detected by a traffic law photo-monitoring device is not liable for a ticket issued for a vehicle that was in the care, custody, or control of a lessee or renter.

Limits the amount of a fine for a noncriminal traffic law violation detected by a traffic law photo-monitoring device to an amount not exceeding the fine for a substantively comparable criminal traffic law violation and requires that a violations clerk of a traffic violations bureau process all fines and costs from violations detected by a photo-monitoring device.

Specifies that a traffic law violation detected solely by means of a traffic law photo-monitoring device may not be considered a criminal offense for purposes of any driving record maintained by the Bureau of Motor Vehicles and no points may be assessed against a person for any such violation.

Requires a traffic violations bureau to make determinations of liability and conduct hearings in the same manner as established for hearing noncriminal parking violations, including any appeal.

Allows an administrative fee, not to exceed the amount of the fine, if a person who denied committing the violation is found to have committed the violation.

Requires the Department of Transportation to develop standards governing the use of traffic law photo-monitoring devices, including criteria for selecting locations for the devices, size, location, and content standards for warning signs, and technical specifications.

Creates a legislative traffic law photo-enforcement study committee to evaluate the use of traffic law photo-enforcement devices within Ohio and make recommendations six months after the bill's effective date.