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Am. Sub. S. B. No. 342

Senator Seitz

**Cosponsors: Senators Eklund, Faber, Jones, Jordan, Kearney, Patton,
Schaffer, Tavares, Uecker**

**Representatives Blessing, Barnes, Buchy, Burkley, Conditt, Dovilla, Green,
Hottinger, Johnson, Letson, Maag, Mallory, Milkovich, Ramos, Retherford,
Sprague, Stautberg, Terhar, Wachtmann, Young Speaker Batchelder**

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A B I L L

To amend sections 1901.20, 1907.02, 4511.094, and 1
4511.204; to amend, for the purpose of adopting a 2
new section number as indicated in parentheses, 3
section 4511.093 (4511.043); to enact sections 4
3937.411, 4511.095, 4511.096, 4511.097, 4511.098, 5
4511.099, 4511.0910, 4511.0911, 4511.0912, 6
4511.0913, and 4511.0914; to enact new sections 7
4511.092 and 4511.093; and to repeal section 8
4511.092 of the Revised Code to establish 9
conditions for the use by local authorities of 10
traffic law photo-monitoring devices to detect 11
certain traffic law violations and to require the 12
Department of Public Safety to issue a report on 13
texting while driving citations. 14

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1901.20, 1907.02, 4511.094, and 15
4511.204 be amended, section 4511.093 (4511.043) be amended for 16

the purpose of adopting a new section number as indicated in 17
parentheses, and sections 3937.411, 4511.095, 4511.096, 4511.097, 18
4511.098, 4511.099, 4511.0910, 4511.0911, 4511.0912, 4511.0913, 19
and 4511.0914 and new sections 4511.092 and 4511.093 of the 20
Revised Code be enacted to read as follows: 21

Sec. 1901.20. (A)(1) The municipal court has jurisdiction ~~of~~ 22
to hear misdemeanor cases committed within its territory and has 23
jurisdiction over the violation of any ordinance of any municipal 24
corporation within its territory, unless the violation is a civil 25
violation based upon evidence recorded by a traffic law 26
photo-monitoring device and issued pursuant to division (B)(3) of 27
section 4511.093 of the Revised Code or the violation is required 28
to be handled by a parking violations bureau or joint parking 29
violations bureau pursuant to Chapter 4521. of the Revised Code, 30
~~and of the violation of any misdemeanor committed within the~~ 31
~~limits of its territory. The. However, the~~ municipal court has 32
jurisdiction ~~of~~ over the violation of a vehicle parking or 33
standing resolution or regulation if a local authority, as defined 34
in division (D) of section 4521.01 of the Revised Code, has 35
specified that it is not to be considered a criminal offense, if 36
the violation is committed within the limits of the court's 37
territory, and if the violation is not required to be handled by a 38
parking violations bureau or joint parking violations bureau 39
pursuant to Chapter 4521. of the Revised Code. ~~The~~ 40

The municipal court, if it has a housing or environmental 41
division, has jurisdiction ~~of~~ over any criminal action over which 42
the housing or environmental division is given jurisdiction by 43
section 1901.181 of the Revised Code, provided that, except as 44
specified in division (B) of that section, no judge of the court 45
other than the judge of the division shall hear or determine any 46
action over which the division has jurisdiction. In all such 47

prosecutions and cases, the court shall proceed to a final 48
determination of the prosecution or case. 49

(2) A judge of a municipal court does not have the authority 50
to dismiss a criminal complaint, charge, information, or 51
indictment solely at the request of the complaining witness and 52
over the objection of the prosecuting attorney, village solicitor, 53
city director of law, or other chief legal officer who is 54
responsible for the prosecution of the case. 55

(B) The municipal court has jurisdiction to hear felony cases 56
committed within its territory. In all felony cases, the court may 57
conduct preliminary hearings and other necessary hearings prior to 58
the indictment of the defendant or prior to the court's finding 59
that there is probable and reasonable cause to hold or recognize 60
the defendant to appear before a court of common pleas and may 61
discharge, recognize, or commit the defendant. 62

(C)(1) A municipal court has jurisdiction ~~of~~ over an appeal 63
from a judgment or default judgment entered pursuant to Chapter 64
4521. of the Revised Code, as authorized by division (D) of 65
section 4521.08 of the Revised Code. The appeal shall be placed on 66
the regular docket of the court and shall be determined by a judge 67
of the court. 68

(2) A municipal court has jurisdiction over an appeal of a 69
written decision rendered by a hearing officer under section 70
4511.099 of the Revised Code if the hearing officer that rendered 71
the decision was appointed by a local authority within the 72
jurisdiction of the court. 73

Sec. 1907.02. (A)(1) In addition to other jurisdiction 74
granted a county court in the Revised Code, a county court has 75
jurisdiction of all misdemeanor cases. A county court has 76
jurisdiction to conduct preliminary hearings in felony cases, to 77
bind over alleged felons to the court of common pleas, and to take 78

other action in felony cases as authorized by Criminal Rule 5. 79

(2) A judge of a county court does not have the authority to 80
dismiss a criminal complaint, charge, information, or indictment 81
solely at the request of the complaining witness and over the 82
objection of the prosecuting attorney, village solicitor, city 83
director of law, or other chief legal officer who is responsible 84
for the prosecution of the case. 85

(B) A county court has jurisdiction of the violation of a 86
vehicle parking or standing ordinance, resolution, or regulation 87
if a local authority, as defined in division (D) of section 88
4521.01 of the Revised Code, has specified that it is not to be 89
considered a criminal offense, if the violation is committed 90
within the limits of the court's territory, and if the violation 91
is not required to be handled by a parking violations bureau or 92
joint parking violations bureau pursuant to Chapter 4521. of the 93
Revised Code. A county court does not have jurisdiction over 94
violations of ordinances, resolutions, or regulations that are 95
required to be handled by a parking violations bureau or joint 96
parking violations bureau pursuant to that chapter. 97

A county court also has jurisdiction of an appeal from a 98
judgment or default judgment entered pursuant to Chapter 4521. of 99
the Revised Code, as authorized by division (D) of section 4521.08 100
of the Revised Code. Any such appeal shall be placed on the 101
regular docket of the court and shall be determined by a judge of 102
the court. 103

(C) A county court has jurisdiction over an appeal of a 104
written decision rendered by a hearing officer under section 105
4511.099 of the Revised Code if the hearing officer that rendered 106
the decision was appointed by a local authority within the 107
jurisdiction of the court. 108

Sec. 3937.411. No insurer shall consider the issuance of a 109

ticket for a civil violation under section 4511.097 of the Revised Code to an applicant or policyholder, or an admission or finding of liability related to such a ticket, as a basis for doing either of the following:

(A) Refusing to issue or deliver a policy of insurance upon a private automobile or increasing the rate to be charged for such a policy;

(B) Increasing the premium rate, canceling, or failing to renew an existing policy of insurance upon a private automobile.

Sec. ~~4511.093~~ 4511.043. (A)(1) No law enforcement officer who stops the operator of a motor vehicle in the course of an authorized sobriety or other motor vehicle checkpoint operation or a motor vehicle safety inspection shall issue a ticket, citation, or summons for a secondary traffic offense unless in the course of the checkpoint operation or safety inspection the officer first determines that an offense other than a secondary traffic offense has occurred and either places the operator or a vehicle occupant under arrest or issues a ticket, citation, or summons to the operator or a vehicle occupant for an offense other than a secondary offense.

(2) A law enforcement agency that operates a motor vehicle checkpoint for an express purpose related to a secondary traffic offense shall not issue a ticket, citation, or summons for any secondary traffic offense at such a checkpoint, but may use such a checkpoint operation to conduct a public awareness campaign and distribute information.

(B) As used in this section, "secondary traffic offense" means a violation of division (A) or (F)(2) of section 4507.05, division (B)(1)(a) or (b) or (E) of section 4507.071, division (A) of section 4511.204, division (C) or (D) of section 4511.81, division (A)(3) of section 4513.03, or division (B) of section

4513.263 of the Revised Code. 141

Sec. 4511.092. As used in sections 4511.092 to 4511.0914 of 142
the Revised Code: 143

(A) "Designated party" means the person whom the registered 144
owner of a motor vehicle, upon receipt of a ticket based upon 145
images recorded by a traffic law photo-monitoring device that 146
indicate a traffic law violation, identifies as the person who was 147
operating the vehicle of the registered owner at the time of the 148
violation. 149

(B) "Hearing officer" means any person appointed by the 150
mayor, board of county commissioners, or board of township 151
trustees of a local authority, as applicable, to conduct 152
administrative hearings on violations recorded by traffic law 153
photo-monitoring devices, other than a person who is employed by a 154
law enforcement agency as defined in section 109.573 of the 155
Revised Code. 156

(C) "Law enforcement officer" means a sheriff, deputy 157
sheriff, marshal, deputy marshal, police officer of a police 158
department of any municipal corporation, police constable of any 159
township, or police officer of a township or joint police 160
district, who is employed on a permanent, full-time basis by the 161
law enforcement agency of a local authority that assigns such 162
person to the location of a traffic law photo-monitoring device. 163

(D) "Local authority" means a municipal corporation, county, 164
or township. 165

(E) "Motor vehicle leasing dealer" has the same meaning as in 166
section 4517.01 of the Revised Code. 167

(F) "Motor vehicle renting dealer" has the same meaning as in 168
section 4549.65 of the Revised Code. 169

(G) "Recorded images" means any of the following images 170

recorded by a traffic law photo-monitoring device that show, on at 171
least one image or on a portion of the videotape, the rear of a 172
motor vehicle and the letters and numerals on the rear license 173
plate of the vehicle: 174

(1) Two or more photographs, microphotographs, electronic 175
images, or digital images; 176

(2) Videotape. 177

(H) "Registered owner" means all of the following: 178

(1) Any person or entity identified by the bureau of motor 179
vehicles or any other state motor vehicle registration bureau, 180
department, or office as the owner of a motor vehicle; 181

(2) The lessee of a motor vehicle under a lease of six months 182
or longer; 183

(3) The renter of a motor vehicle pursuant to a written 184
rental agreement with a motor vehicle renting dealer. 185

(I) "System location" means the approach to an intersection 186
or area of roadway toward which a traffic law photo-monitoring 187
device is directed and is in operation. 188

(J) "Ticket" means any traffic ticket, citation, summons, or 189
other ticket issued in response to an alleged traffic law 190
violation detected by a traffic law photo-monitoring device, that 191
represents a civil violation. 192

(K) "Traffic law photo-monitoring device" means an electronic 193
system consisting of a photographic, video, or electronic camera 194
and a means of sensing the presence of a motor vehicle that 195
automatically produces recorded images. 196

(L) "Traffic law violation" means either of the following: 197

(1) A violation of section 4511.12 of the Revised Code based 198
on the failure to comply with section 4511.13 of the Revised Code 199
or a substantially equivalent municipal ordinance that occurs at 200

an intersection due to failure to obey a traffic control signal; 201

(2) A violation of section 4511.21 or 4511.211 of the Revised 202
Code or a substantially equivalent municipal ordinance due to 203
failure to observe the applicable speed limit. 204

Sec. 4511.093. (A) A local authority may utilize a traffic 205
law photo-monitoring device for the purpose of detecting traffic 206
law violations. If the local authority is a county or township, 207
the board of county commissioners or the board of township 208
trustees may adopt such resolutions as may be necessary to enable 209
the county or township to utilize traffic law photo-monitoring 210
devices. 211

(B) The use of a traffic law photo-monitoring device is 212
subject to the following conditions: 213

(1) A local authority shall use a traffic law 214
photo-monitoring device to detect and enforce traffic law 215
violations only if a law enforcement officer is present at the 216
location of the device at all times during the operation of the 217
device and if the local authority complies with sections 4511.094 218
and 4511.095 of the Revised Code. 219

(2) A law enforcement officer who is present at the location 220
of any traffic law photo-monitoring device and who personally 221
witnesses a traffic law violation may issue a ticket for the 222
violation. Such a ticket shall be issued in accordance with 223
section 2935.25 of the Revised Code and is not subject to sections 224
4511.096 to 4511.0910 and section 4511.912 of the Revised Code. 225

(3) If a traffic law photo-monitoring device records a 226
traffic law violation and the law enforcement officer who was 227
present at the location of the traffic law photo-monitoring device 228
does not issue a ticket as provided under division (B)(2) of this 229
section, the local authority may only issue a ticket in accordance 230

with sections 4511.096 to 4511.0912 of the Revised Code. 231

Sec. 4511.094. (A) ~~As used in this section:~~ 232

~~(1) "Local authority" means a municipal corporation, county,
or township.~~ 233
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~~(2) "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.~~ 235
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~~(B)(1) No local authority shall use traffic law
photo-monitoring devices to detect or enforce any traffic law
violation until after it has ~~erected~~ done both of the following:~~ 240
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~~(1) Erected signs on every highway that is not a freeway that
is part of the state highway system and that enters that local
authority. ~~The signs shall inform~~ informing inbound traffic that
the local authority utilizes traffic law photo-monitoring devices
to enforce traffic laws. ~~The;~~~~ 243
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~~(2) Beginning on the effective date of this amendment,
erected signs at each fixed system location informing motorists
that a traffic law photo-monitoring device is present at the
location.~~ 248
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~~The local authority shall erect the signs ~~shall be erected~~
within the first three hundred feet of the boundary of the local
authority or, ~~if~~ within three hundred feet of the fixed system
location, as applicable. ~~If~~ the signs cannot be located within the
first three hundred feet of the boundary of the local authority ~~or~~
within three hundred feet of the fixed system location, the local
authority shall erect the signs as close to that distance as
possible, ~~provided that if.~~ ~~If~~ a particular highway enters and
exits the territory of a local authority multiple times, the local~~ 252
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authority shall erect the signs as required by ~~this~~ division 261
(A)(1) of this section at the locations in each direction of 262
travel where inbound traffic on the highway first enters the 263
territory of the local authority and is not required to erect 264
additional signs along such highway each time the highway reenters 265
the territory of the local authority. The local authority is 266
responsible for all costs associated with the erection, 267
maintenance, and replacement, if necessary, of the signs. ~~All~~ The 268
local authority shall ensure that all signs erected under this 269
division ~~shall~~ conform in size, color, location, and content to 270
standards contained in the manual adopted by the department of 271
transportation pursuant to section 4511.09 of the Revised Code and 272
shall remain in place for as long as the local authority utilizes 273
traffic law photo-monitoring devices to enforce any traffic law. 274

~~Any~~ 275

(B) A ticket, citation, or summons issued by or on behalf of 276
the local authority for any traffic law violation based upon 277
evidence ~~gathered~~ recorded by a traffic law photo-monitoring 278
device ~~after the effective date of this section~~ is invalid under 279
the following circumstances: 280

(1) If the ticket was issued after March 12, 2009, but before 281
the signs ~~have been~~ required under division (A)(1) of this section 282
were erected is invalid; provided that no ticket, citation, or 283
~~summons is invalid if the;~~ 284

(2) If the ticket was issued after the effective date of this 285
amendment but before the signs required under division (A)(2) of 286
this section were erected. 287

However, if a local authority is in substantial compliance 288
with the ~~requirement~~ requirements of ~~this~~ division ~~to erect the~~ 289
~~signs~~ (A)(1) or (2) of this section, as applicable, a ticket 290
issued by the local authority under sections 4511.096 to 4511.0912 291
of the Revised Code is valid. 292

~~(2)(C)~~ A local authority is deemed to be in substantial compliance with the requirement of division ~~(B)(A)(1) or (2)~~ of this section, as applicable, to erect the advisory signs if the authority does both of the following:

~~(a)(1)~~ First erects all signs as required by division ~~(B)(1)(A)(1) or (2)~~ of this section, as applicable, and subsequently maintains and replaces the signs as needed so that at all times at least ninety per cent of the required signs are in place and functional;

~~(b)(2)~~ Annually documents and upon request certifies its compliance with division ~~(B)(2)(a)(C)(1)~~ of this section.

~~(C)(D)~~ A local authority that uses traffic law photo-monitoring devices to detect or enforce any traffic law violation at an intersection where traffic is controlled by traffic control signals that exhibit different colored lights or colored lighted arrows shall time the operation of the yellow lights and yellow arrows of those traffic control signals so that the steady yellow indication exceeds by one second the minimum duration for yellow indicators at similar intersections as established by the provisions of the manual adopted by the department of transportation under section 4511.09 of the Revised Code.

Sec. 4511.095. (A) Prior to deploying any traffic law photo-monitoring device, a local authority shall do all of the following:

(1) Conduct a safety study of intersections or locations under consideration for placement of fixed traffic law photo-monitoring devices. The study shall include an accounting of incidents that have occurred in the designated area over the previous three-year period and shall be made available to the public upon request.

(2) Conduct a public information campaign to inform motor vehicle operators about the use of traffic law photo-monitoring devices at system locations prior to establishing any of those locations; 324
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(3) Publish at least one notice in a local newspaper of general circulation that announces the local authority's intent to utilize traffic law photo-monitoring devices, the locations of those devices, if known, and the date on which the first traffic law photo-monitoring device will be operational; 328
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(4) Refrain from levying any civil fines on any person found to have committed a traffic law violation based upon evidence gathered by a fixed location traffic law photo-monitoring device until the local authority observes a public awareness warning period of not less than thirty days prior to the first issuance of any ticket based upon images recorded by the device. During the warning period, the local authority shall take reasonable measures to inform the public of the location of the device and the date on which tickets will be issued for traffic law violations based upon evidence gathered by the device. A warning notice may be sent to violators during the public awareness warning period. 333
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(B)(1) A local authority that deploys its first traffic law photo-monitoring device after the effective date of this section shall do so only after complying with division (A) of this section. If such a local authority thereafter wishes to deploy an additional traffic law photo-monitoring device, the local authority shall comply with that division prior to deploying the additional device. 344
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A local authority that is operating or has operated on its behalf a traffic law photo-monitoring device on the effective date of this section may continue to operate the device after that date without the need to comply with division (A) of this section. However, if such a local authority wishes to deploy an additional 351
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traffic law photo-monitoring device after the effective date of 356
this section, the local authority shall comply with division (A) 357
of this section prior to deploying the additional device. 358

(2) All tickets that result from evidence recorded by a 359
traffic law photo-monitoring device and that are issued prior to 360
the effective date of this section by or on behalf of a local 361
authority may be processed and adjudicated in accordance with the 362
rules and procedures that were in effect for such tickets prior to 363
the effective date of this section. On and after the effective 364
date of this section, no ticket for a traffic law violation that 365
is based upon evidence recorded by a traffic law photo-monitoring 366
device shall be processed and adjudicated in any manner other than 367
in accordance with sections 4511.096 to 4511.0912 of the Revised 368
Code. 369

Sec. 4511.096. (A) A law enforcement officer employed by a 370
local authority utilizing a traffic law photo-monitoring device 371
shall examine evidence of alleged traffic law violations recorded 372
by the device to determine whether such a violation has occurred. 373
If the image recorded by the traffic law photo-monitoring device 374
shows such a violation, contains the date and time of the 375
violation, and shows the letter and numerals on the license plate 376
of the vehicle involved as well as the state that issued the 377
license plate, the officer may use any lawful means to identify 378
the registered owner. 379

(B) The fact that a person or entity is the registered owner 380
of a motor vehicle is prima facie evidence that that person or 381
entity is the person who was operating the vehicle at the time of 382
the traffic law violation. 383

(C) Within thirty days of the traffic law violation, the 384
local authority or its designee may issue and send by regular mail 385
a ticket charging the registered owner with the violation. The 386

ticket shall comply with section 4511.097 of the Revised Code. 387

(D) A certified copy of the ticket alleging a traffic law 388
violation, sworn to or affirmed by a law enforcement officer 389
employed by the local authority, including by electronic means, 390
and the recorded images produced by the traffic law 391
photo-monitoring device, is prima facie evidence of the facts 392
contained therein and is admissible in a proceeding for review of 393
the ticket issued under this section. 394

Sec. 4511.097. (A) A traffic law violation for which a ticket 395
is issued by a local authority pursuant to division (B)(3) of 396
section 4511.093 of the Revised Code is a civil violation. If a 397
local authority issues a ticket for such a violation, the ticket 398
shall comply with the requirements of this section and the fine 399
for such a ticket shall not exceed the amount of the fine that may 400
be imposed for a substantially equivalent criminal traffic law 401
violation. 402

(B) A local authority or its designee shall process such a 403
ticket for a civil violation and shall send the ticket by ordinary 404
mail to any registered owner of the motor vehicle that is the 405
subject of the traffic law violation. The local authority or 406
designee shall ensure that the ticket contains all of the 407
following: 408

(1) The name and address of the registered owner; 409

(2) The letters and numerals appearing on the license plate 410
issued to the motor vehicle; 411

(3) The traffic law violation charged; 412

(4) The system location; 413

(5) The date and time of the violation; 414

(6) A copy of the recorded images; 415

(7) The name and badge number of the law enforcement officer 416
who was present at the system location at the time of the 417
violation; 418

(8) The amount of the civil penalty imposed, the date by 419
which the civil penalty is required to be paid, and the address to 420
which the payment is to be sent; 421

(9) A statement signed by a law enforcement officer employed 422
by the local authority indicating that, based on an inspection of 423
recorded images, the motor vehicle was involved in a traffic law 424
violation, and a statement indicating that the recorded images are 425
prima facie evidence of that traffic law violation both of which 426
may be signed electronically; 427

(10) Information advising the person or entity alleged to be 428
liable of the options prescribed in section 4511.098 of the 429
Revised Code, specifically to include the time, place, and manner 430
in which an administrative appeal may be initiated and the 431
procedure for disclaiming liability by submitting an affidavit as 432
prescribed in that section; 433

(11) A warning that failure to exercise one of the options 434
prescribed in section 4511.098 of the Revised Code is deemed to be 435
an admission of liability and waiver of the opportunity to contest 436
the violation. 437

(C) A local authority or its designee shall send a ticket not 438
later than thirty days after the date of the alleged traffic law 439
violation. 440

(D) The local authority or its designee may elect to send by 441
ordinary mail a warning notice in lieu of a ticket under this 442
section. 443

Sec. 4511.098. (A) A person or entity who receives a ticket 444
for a civil violation sent in compliance with section 4511.097 of 445

the Revised Code shall elect to do one of the following: 446

(1) In accordance with instructions on the ticket, pay the 447
civil penalty, thereby failing to contest liability and waiving 448
the opportunity to contest the violation; 449

(2)(a) Within thirty days after receipt of the ticket, 450
provide the law enforcement agency of the local authority with 451
either of the following affidavits: 452

(i) An affidavit executed by the registered owner stating 453
that another person was operating the vehicle of the registered 454
owner at the time of the violation, identifying that person as a 455
designated party who may be held liable for the violation, and 456
containing at a minimum the name and address of the designated 457
party; 458

(ii) An affidavit executed by the registered owner stating 459
that at the time of the violation, the motor vehicle or the 460
license plates issued to the motor vehicle were stolen and 461
therefore were in the care, custody, or control of some person or 462
entity to whom the registered owner did not grant permission to 463
use the motor vehicle. In order to demonstrate that the motor 464
vehicle or the license plates were stolen prior to the traffic law 465
violation and therefore were not under the control or possession 466
of the registered owner at the time of the violation, the 467
registered owner shall submit proof that a report about the stolen 468
motor vehicle or license plates was filed with the appropriate law 469
enforcement agency prior to the violation or within forty-eight 470
hours after the violation occurred. 471

(b) A registered owner is not responsible for a traffic law 472
violation if, within thirty days after the date of mailing of the 473
ticket, the registered owner furnishes an affidavit specified in 474
division (A)(2)(a)(i) or (ii) of this section to the local 475
authority in a form established by the local authority and the 476

following conditions are met: 477

(i) If the registered owner submits an affidavit as specified 478
in division (A)(2)(a)(i) of this section, the designated party 479
either accepts liability for the violation by paying the civil 480
penalty or failing to request an administrative hearing within 481
thirty days or is determined liable in an administrative hearing; 482

(ii) If the registered owner submits an affidavit as 483
specified in division (A)(2)(a)(ii) of this section, the affidavit 484
is supported by a stolen vehicle or stolen license plate report as 485
required in that division. 486

(3) If the registered owner is a motor vehicle leasing dealer 487
or a motor vehicle renting dealer, notify the law enforcement 488
agency of the local authority of the name and address of the 489
lessee or renter of the motor vehicle at the time of the traffic 490
law violation. A motor vehicle leasing dealer or motor vehicle 491
renting dealer who receives a ticket for an alleged traffic law 492
violation detected by a traffic law photo-monitoring device is not 493
liable for a ticket issued for a motor vehicle that was in the 494
care, custody, or control of a lessee or renter at the time of the 495
alleged violation. The dealer shall not pay such a ticket and 496
subsequently attempt to collect a fee or assess the lessee or 497
renter a charge for any payment of such a ticket made on behalf of 498
the lessee or renter. 499

(4) If the vehicle involved in the traffic law violation is a 500
commercial motor vehicle and the ticket is issued to a corporate 501
entity, provide to the law enforcement agency of the local 502
authority an affidavit, sworn to or affirmed by an agent of the 503
corporate entity, that provides the name and address of the 504
employee who was operating the motor vehicle at the time of the 505
alleged violation and who is the designated party. 506

(5) Contest the ticket by filing a written request for an 507

administrative hearing to review the ticket. The person or entity 508
shall file the written request not later than thirty days after 509
receipt of the ticket. The failure to request a hearing within 510
this time period constitutes a waiver of the right to contest the 511
violation and ticket, and is deemed to constitute an admission of 512
liability and waiver of the opportunity to contest the violation. 513

(B) A local authority that receives an affidavit described in 514
division (A)(2)(a)(i) or (A)(4) of this section or a notification 515
under division (A)(3) of this section from a registered owner may 516
proceed to send a ticket that conforms with division (B) of 517
section 4511.097 of the Revised Code to the designated party. The 518
local authority shall send the ticket to the designated party by 519
ordinary mail not later than twenty-one days after receipt of the 520
affidavit or notification. 521

Sec. 4511.099. (A) When a person or entity named in a ticket 522
for a civil violation under division (A) of section 4511.097 of 523
the Revised Code elects to contest the ticket and completes the 524
requirements prescribed in division (A)(5) of section 4511.098 of 525
the Revised Code in a timely manner, all of the following apply: 526

(1) A hearing officer appointed by the local authority shall 527
hear the case. The hearing officer shall conduct a hearing not 528
sooner than twenty-one but not later than forty-five days after 529
the filing of a written request for the hearing. The hearing 530
officer may extend the time period by which a hearing must be 531
conducted upon a request for additional time by the person or 532
entity who requested the hearing. 533

(2) The hearing officer shall ensure that the hearing is open 534
to the public. The hearing officer shall post a docket in a 535
conspicuous place near the entrance to the hearing room. The 536
hearing officer shall identify on the docket, by respondent, the 537
hearings scheduled for that day and the time of each hearing. The 538

hearing officer may schedule multiple hearings for the same time 539
to allow for occurrences such as nonappearances or admissions of 540
liability. 541

(3) The person who requested the administrative hearing or a 542
representative of the entity that requested the hearing shall 543
appear for the hearing and may present evidence at the hearing. 544

(4) The hearing officer shall determine whether a 545
preponderance of the evidence establishes that the violation 546
alleged in the ticket did in fact occur and that the person or 547
entity requesting the review is the person who was operating the 548
vehicle at the time of the violation. 549

(B)(1) If the hearing officer finds by a preponderance of the 550
evidence that the alleged traffic law violation did in fact occur 551
and that the person or entity named in the ticket is the person 552
who was operating the vehicle at the time of the violation, the 553
hearing officer shall issue a written decision imposing liability 554
for the violation upon the individual or entity and submit it to 555
the local authority or its designee and the person or entity named 556
in the ticket. 557

(2) If the hearing officer finds by a preponderance of the 558
evidence that the alleged traffic law violation did not occur or 559
did in fact occur but the person or entity named in the ticket is 560
not the person who was operating the vehicle at the time of the 561
violation, the hearing officer shall issue a written decision 562
finding that the individual or entity is not liable for the 563
violation and submit it to the local authority or its designee and 564
the person or entity named in the ticket. 565

(3) If the person who requested the administrative hearing or 566
a representative of the entity that requested the hearing fails to 567
appear at the hearing, the hearing officer shall determine that 568
the person or entity is liable for the violation. In such a case, 569

the hearing officer shall issue a written decision imposing 570
liability for the violation upon the individual or entity and 571
submit it to the local authority or its designee and the person or 572
entity named in the ticket. 573

(4) The hearing officer shall render a decision on the day a 574
hearing takes place. 575

(C)(1) In determining whether the person or entity named in 576
the ticket is liable, the hearing officer may consider any of the 577
following as an affirmative defense to a traffic law violation: 578

(a) That the vehicle passed through the intersection in order 579
to yield the right-of-way to either of the following: 580

(i) A public safety vehicle or coroner's vehicle in 581
accordance with section 4511.45 of the Revised Code or a 582
substantially equivalent municipal ordinance; 583

(ii) A funeral procession in accordance with section 4511.451 584
of the Revised Code or a substantially equivalent municipal 585
ordinance. 586

(b) That the motor vehicle or license plates of the motor 587
vehicle were stolen prior to the occurrence of the violation and 588
were not under the control or possession of the registered owner 589
at the time of the violation. In order to demonstrate that the 590
motor vehicle or license plates were stolen prior to the 591
occurrence of the violation and were not under the control or 592
possession of the registered owner at the time of the violation, 593
the registered owner shall submit proof that a report about the 594
stolen motor vehicle or license plates was filed with the 595
appropriate law enforcement agency prior to the traffic law 596
violation or within forty-eight hours after the traffic law 597
violation occurred. 598

(c) At the time and place of the alleged traffic law 599
violation, the traffic control signal was not operating properly 600

or the traffic law photo-monitoring device was not in proper 601
position and the recorded image is not of sufficient legibility to 602
enable an accurate determination of the information necessary to 603
impose liability. 604

(d) That the registered owner or person or entity named in 605
the ticket was not the person operating the motor vehicle at the 606
time of the violation. In order to meet the evidentiary burden 607
imposed under division (C)(1)(d) of this section, the registered 608
owner or person or entity named in the ticket shall provide to the 609
hearing officer the identity of the designated party, that 610
person's name and current address, and any other evidence that the 611
hearing officer determines to be pertinent. 612

(2) A hearing officer also may consider the totality of the 613
circumstances when determining whether to impose liability upon 614
the person or entity named in the ticket. 615

(D)(1) If the hearing officer finds that the person or entity 616
named in the ticket was not the person who was operating the 617
vehicle at the time of the violation or receives evidence 618
identifying the designated party, the hearing officer shall 619
provide to the local authority or its designee, within five days 620
of the hearing, a copy of any evidence substantiating the identity 621
of the designated party. 622

(2) Upon receipt of evidence of the identity of the 623
designated party, the local authority or its designee may issue a 624
ticket to the designated party. 625

A local authority shall ensure that a ticket issued under 626
division (D)(2) of this section conforms with division (B) of 627
section 4511.097 of the Revised Code. The local authority shall 628
send the ticket by ordinary mail not later than twenty-one days 629
after receipt of the evidence from the hearing officer or the 630
registered owner of the identity of the designated party. 631

(E) If a designated party who is issued a ticket under 632
division (D)(2) of this section or division (B) of section 633
4511.098 of the Revised Code contests the ticket by filing a 634
written request for an administrative hearing to review the ticket 635
not later than thirty days after receipt of the ticket, the local 636
authority shall require the registered owner of the motor vehicle 637
also to attend the hearing. If at the hearing involving the 638
designated party the hearing officer cannot determine the identity 639
of the operator of the vehicle at the time of the violation, the 640
registered owner is liable for the violation. The hearing officer 641
then shall issue a written decision imposing liability for the 642
violation on the registered owner and submit it to the local 643
authority or its designee and to the registered owner. If the 644
designated party also is a registered owner of the vehicle, 645
liability for the violation shall follow the order of registered 646
owners as listed on the title to the vehicle. 647

(F) A person who is named in a ticket for a civil violation 648
may assert a testimonial privilege in accordance with division (D) 649
of section 2317.02 of the Revised Code. 650

(G) A person or entity may appeal a written decision rendered 651
by a hearing officer under this section to the municipal court or 652
county court with jurisdiction over the location where the 653
violation occurred. 654

(H) No decision rendered under this section, and no admission 655
of liability under this section or section 4511.098 of the Revised 656
Code, is admissible as evidence in any other judicial proceeding 657
in this state. 658

Sec. 4511.0910. A traffic law violation for which a civil 659
penalty is imposed under sections 4511.097 to 4511.099 of the 660
Revised Code is not a moving violation and points shall not be 661
assessed against a person's driver's license under section 662

4510.036 of the Revised Code. In no case shall such a violation be 663
reported to the bureau of motor vehicles or motor vehicle 664
registration bureau, department, or office of any other state, nor 665
shall such a violation be recorded on the driving record of the 666
owner or operator of the vehicle involved in the violation. 667

Sec. 4511.0911. (A) Upon request, each manufacturer of a 668
traffic law photo-monitoring device shall provide to a local 669
authority utilizing its devices the maintenance record of any such 670
device used in that local authority. 671

(B)(1) Commencing January 2015, not later than the last day 672
of January of each year, the manufacturer of a traffic law 673
photo-monitoring device shall provide to the applicable local 674
authority a certificate of proper operation that attests to the 675
accuracy of the device in recording a traffic law violation. 676

(2) In addition to the requirement prescribed in division 677
(B)(1) of this section, for every such device that is considered 678
mobile, meaning it is attached to a trailer, vehicle, or other 679
wheeled apparatus so that it is easily moved to different system 680
locations, both of the following apply: 681

(a) Each local authority shall test the accuracy of each such 682
device with an independent, certified speed measuring device or 683
some other commonly accepted method prior to its use at each 684
system location. 685

(b) Each local authority shall clearly and conspicuously mark 686
on the outside of the trailer, vehicle, or wheeled apparatus that 687
contains the traffic law photo-monitoring device that the device 688
is contained therein and that the trailer, vehicle, or wheeled 689
apparatus is the property of the local authority. 690

(C) In the case of a traffic law photo-monitoring device that 691
is used at an intersection to detect violations of section 4511.12 692

of the Revised Code based on the failure to comply with section 693
4511.13 of the Revised Code or a substantially equivalent 694
municipal ordinance, the local authority shall not issue a ticket 695
for a violation based upon evidence recorded by a traffic law 696
photo-monitoring device when a vehicle makes a legal right or left 697
turn-on-red-signal if all of the following apply: 698

(1) The vehicle can make the turn safely. 699

(2) The vehicle comes to a complete stop at any point prior 700
to completing the turn. 701

(3) No pedestrians are in the crosswalk, or are about to 702
enter the crosswalk, of any approach to the intersection the 703
vehicle occupies while commencing or making the turn. 704

Sec. 4511.0912. A local authority shall not issue a ticket 705
for a violation of section 4511.21 or 4511.211 of the Revised Code 706
or a substantially equivalent municipal ordinance due to failure 707
to observe the applicable speed limit based upon evidence recorded 708
by a traffic law photo-monitoring device unless one of the 709
following applies: 710

(A) For a system location that is located within a school 711
zone or within the boundaries of a state or local park or 712
recreation area, the vehicle involved in the violation is 713
traveling at a speed that exceeds the posted speed limit by not 714
less than six miles per hour. 715

(B) For a system location that is located at any other 716
location, the vehicle involved in the violation is traveling at a 717
speed that exceeds the posted speed limit by not less than ten 718
miles per hour. 719

Sec. 4511.0913. Sections 4511.092 to 4511.0912 of the Revised 720
Code do not apply to the use of a traffic law photo-monitoring 721
device that is placed on a school bus for the purpose of detecting 722

violations of section 4511.75 of the Revised Code or a 723
substantially equivalent municipal ordinance. 724

Sec. 4511.0914. Sections 4511.092 to 4511.0912 of the Revised 725
Code do not affect in any manner either of the following: 726

(A) Any ban on the use by a local authority of traffic law 727
photo-monitoring devices to detect traffic law violations that is 728
in effect on the effective date of this section, irrespective of 729
the method or means by which such a ban took effect; 730

(B) Any ban on the use by a local authority of traffic law 731
photo-monitoring devices to detect traffic law violations that 732
takes effect after the effective date of this section, 733
irrespective of the method or means by which such a ban takes 734
effect. 735

Sec. 4511.204. (A) No person shall drive a motor vehicle, 736
trackless trolley, or streetcar on any street, highway, or 737
property open to the public for vehicular traffic while using a 738
handheld electronic wireless communications device to write, send, 739
or read a text-based communication. 740

(B) Division (A) of this section does not apply to any of the 741
following: 742

(1) A person using a handheld electronic wireless 743
communications device in that manner for emergency purposes, 744
including an emergency contact with a law enforcement agency, 745
hospital or health care provider, fire department, or other 746
similar emergency agency or entity; 747

(2) A person driving a public safety vehicle who uses a 748
handheld electronic wireless communications device in that manner 749
in the course of the person's duties; 750

(3) A person using a handheld electronic wireless 751

communications device in that manner whose motor vehicle is in a 752
stationary position and who is outside a lane of travel; 753

(4) A person reading, selecting, or entering a name or 754
telephone number in a handheld electronic wireless communications 755
device for the purpose of making or receiving a telephone call; 756

(5) A person receiving wireless messages on a device 757
regarding the operation or navigation of a motor vehicle; 758
safety-related information, including emergency, traffic, or 759
weather alerts; or data used primarily by the motor vehicle; 760

(6) A person receiving wireless messages via radio waves; 761

(7) A person using a device for navigation purposes; 762

(8) A person conducting wireless interpersonal communication 763
with a device that does not require manually entering letters, 764
numbers, or symbols or reading text messages, except to activate, 765
deactivate, or initiate the device or a feature or function of the 766
device; 767

(9) A person operating a commercial truck while using a 768
mobile data terminal that transmits and receives data; 769

(10) A person using a handheld electronic wireless 770
communications device in conjunction with a voice-operated or 771
hands-free device feature or function of the vehicle. 772

(C)(1) Notwithstanding any provision of law to the contrary, 773
no law enforcement officer shall cause an operator of an 774
automobile being operated on any street or highway to stop the 775
automobile for the sole purpose of determining whether a violation 776
of division (A) of this section has been or is being committed or 777
for the sole purpose of issuing a ticket, citation, or summons for 778
a violation of that nature or causing the arrest of or commencing 779
a prosecution of a person for a violation of that nature, and no 780
law enforcement officer shall view the interior or visually 781

inspect any automobile being operated on any street or highway for 782
the sole purpose of determining whether a violation of that nature 783
has been or is being committed. 784

(2) On January 31 of each year, the department of public 785
safety shall issue a report to the general assembly that specifies 786
the number of citations issued for violations of this section 787
during the previous calendar year. 788

(D) Whoever violates division (A) of this section is guilty 789
of a minor misdemeanor. 790

(E) This section shall not be construed as invalidating, 791
preempting, or superseding a substantially equivalent municipal 792
ordinance that prescribes penalties for violations of that 793
ordinance that are greater than the penalties prescribed in this 794
section for violations of this section. 795

(F) A prosecution for a violation of this section does not 796
preclude a prosecution for a violation of a substantially 797
equivalent municipal ordinance based on the same conduct. However, 798
if an offender is convicted of or pleads guilty to a violation of 799
this section and is also convicted of or pleads guilty to a 800
violation of a substantially equivalent municipal ordinance based 801
on the same conduct, the two offenses are allied offenses of 802
similar import under section 2941.25 of the Revised Code. 803

(G) As used in this section: 804

(1) "Electronic wireless communications device" includes any 805
of the following: 806

(a) A wireless telephone; 807

(b) A text-messaging device; 808

(c) A personal digital assistant; 809

(d) A computer, including a laptop computer and a computer 810

tablet; 811

(e) Any other substantially similar wireless device that is 812
designed or used to communicate text. 813

(2) "Voice-operated or hands-free device" means a device that 814
allows the user to vocally compose or send, or to listen to a 815
text-based communication without the use of either hand except to 816
activate or deactivate a feature or function. 817

(3) "Write, send, or read a text-based communication" means 818
to manually write or send, or read a text-based communication 819
using an electronic wireless communications device, including 820
manually writing or sending, or reading communications referred to 821
as text messages, instant messages, or electronic mail. 822

Section 2. That existing sections 1901.20, 1907.02, 4511.093, 823
4511.094, and 4511.204 and section 4511.092 of the Revised Code 824
are hereby repealed. 825