



ENACTMENT NEWS

Senate Bill 342 **Traffic Cameras** Effective March 19, 2015

On December 19, 2014, Governor Kasich signed into law Senate Bill 342, which establishes procedures by which local authorities may utilize traffic law photo-monitoring devices, also known as “traffic cameras.” Specifically, the bill requires a law enforcement officer to be present at the location of the traffic camera at all times during the operation of the camera. The law takes effect on March 19, 2015.

Law enforcement presence at traffic cameras

SB 342 requires law enforcement officers to be present at the location of traffic cameras at all times during the operation of the camera. The officer who is present at the location may issue a ticket for a traditional traffic violation if the officer personally witnesses the violation, or a local authority may issue a ticket for an administrative civil violation if the violation was captured by the camera and the law enforcement officer at the scene did not issue a ticket. The bill also establishes certain signage requirements for all traffic cameras, including a provision that invalidates tickets that are issued before the required signs have been erected.

Procedural requirements

SB 342 also establishes certain procedural requirements governing the implementation of traffic cameras and the issuance of tickets for civil violations. Local authorities wishing to implement traffic cameras must conduct safety studies of each location being considered for a traffic camera, conduct a public information campaign, and publish certain notices regarding the locations of cameras and the dates they will become operational. The bill also further clarifies that civil traffic violations issued as a result of the use of a traffic camera are not moving violations, do not result in points assessed against the person’s driver’s license, and shall not appear on the person’s driving record or be reported to the bureau of motor vehicles.

Administrative hearing

Upon receipt of a ticket for a civil violation, the registered owner of the vehicle may pay the civil penalty, provide the local authority with an affidavit stating that another person was operating the vehicle or that the vehicle was in the care or custody of another person without the owner’s permission, or contest the ticket through an administrative hearing process. The bill sets forth the procedures for such a hearing, and specifies that written decisions of the hearing officer may be appealed to the municipal or county court with jurisdiction over the location of the violation.

Shortly after the passage of SB 342, the Supreme Court of Ohio issued its decision in *Walker v. Toledo*, Slip Opinion No. 2014-Ohio-5461, in which the Court ruled that municipalities have home-rule authority to impose civil liability on traffic violations through the use of traffic cameras, and to establish administrative hearings in furtherance of traffic ordinances.