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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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H.B. 547
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Patton

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SUMMARY

- Prohibits a municipal corporation or township that does not operate either a fire department or an emergency medical service organization from using traffic cameras.

DETAILED ANALYSIS

Limitations on the use of traffic cameras by certain local authorities

The bill prohibits a municipal corporation or township from operating a traffic law photo-monitoring device (“traffic camera”) to detect traffic violations if the municipal corporation or township does not operate either a fire department or an emergency medical service organization (see **COMMENT**). The bill limits the authority of the above referenced municipal corporations and townships by amending the current definition of “local authority” under the Traffic Camera Law. Under current law, a “local authority” is defined to mean a municipal corporation, county, or township. The bill modifies this definition to exclude both of the following:

1. Any municipal corporation that does not operate either a municipal fire department or municipal medical service organization; or
2. Any township that does not operate either a township fire department or a township emergency medical service organization.¹

Definitions

As used in the bill:

¹ R.C. 4511.092(C) and 4511.093(D).

“Emergency medical service organization” means an organization operated by the municipal corporation or township that uses first responders, EMTs-basic, EMTs-I, or paramedics, or a combination of first responders, EMTs-basic, EMTs-I, and paramedics to provide emergency medical services.

“Fire department” means a fire department of a municipal corporation or township, as applicable, but does not include a volunteer fire department.

“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 recorded images; and

“Traffic law violation” means the failure to comply with either a traffic signal indication (i.e. a traffic light requirement) or the failure to observe the applicable speed limit.²

COMMENT

The provisions of the bill may not conform with a municipal corporation’s home rule authority under Article XVIII, Section 3 of the Ohio Constitution. See *Canton v. State*, 95 Ohio St.3d 149 (2002). The Ohio Supreme Court has routinely held that any municipal corporation may maintain a traffic camera program under its home rule authority (granted through Article XVIII of the Ohio Constitution). *Dayton v. State*, 151 Ohio St.3d 168, 2017-Ohio-6909 ¶ 1; *Mendenhall v. Akron*, 117 Ohio St.3d 33, 2008-Ohio-270, 881 N.E.2d 255.

HISTORY

Action	Date
Introduced	01-26-22

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² R.C. 4511.092.