

(127th General Assembly)
(Substitute House Bill Number 30)

AN ACT

To amend section 4511.81 and to enact section 4511.094 of the Revised Code, and to amend Sections 555.07 and 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly, and to amend Section 555.08 of Am. Sub. H.B. 67 of the 127th General Assembly, as subsequently amended, to require any local authority that enforces any traffic law by means of traffic law photo-monitoring devices to erect signs on every highway that is not a freeway that is part of the state highway system and that enters that local authority, informing inbound traffic that the local authority utilizes traffic law photo-monitoring devices to enforce traffic laws, to eliminate the requirement for operators of vehicles not equipped with seat belts to nonetheless use a child restraint system when transporting any kindergarten child who is required to be transported in a child restraint system, to govern the movement of steel coils by special permit, to require the Department of Transportation to conduct a study of the impact of overweight vehicles operating under a permit, and to modify the constraints imposed on the Department of Transportation regarding undertaking certain major new construction projects.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4511.81 be amended and section 4511.094 of the Revised Code be enacted to read as follows:

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

(1) "Local authority" means a municipal corporation, county, or

township.

(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.

(B)(1) No local authority shall use traffic law photo-monitoring devices to enforce any traffic law until after it has 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 inbound traffic that the local authority utilizes traffic law photo-monitoring devices to enforce traffic laws. The signs shall be erected within the first three hundred feet of the boundary of the local authority or, if the signs cannot be located within the first three hundred feet of the boundary of the local authority, as close to that distance as possible, provided that if a particular highway enters and exits the territory of a local authority multiple times, the local authority shall erect the signs as required by this division at the locations in each direction of travel where inbound traffic on the highway first enters the territory of the local authority and is not required to erect additional signs along such highway each time the highway reenters the territory of the local authority. The local authority is responsible for all costs associated with the erection, maintenance, and replacement, if necessary, of the signs. All signs erected under this division shall conform in size, color, location, and content to standards contained in the manual adopted by the department of transportation pursuant to section 4511.09 of the Revised Code and shall remain in place for as long as the local authority utilizes traffic law photo-monitoring devices to enforce any traffic law. Any ticket, citation, or summons issued by or on behalf of the local authority for any traffic law violation based upon evidence gathered by a traffic law photo-monitoring device after the effective date of this section, but before the signs have been erected is invalid; provided that no ticket, citation, or summons is invalid if the local authority is in substantial compliance with the requirement of this division to erect the signs.

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

(a) First erects all signs as required by division (B)(1) of this section 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) Annually documents and upon request certifies its compliance with division (B)(2)(a) of this section.

(C) A local authority that uses traffic law photo-monitoring devices to enforce any traffic law 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. 4511.81. (A) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(B) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school, ~~kindergarten~~, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(C) When any child who is at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) of this section has been or is being committed or for the sole purpose of issuing a ticket,

citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) The director of public safety shall adopt such rules as are necessary to carry out this section.

(F) The failure of an operator of a motor vehicle to secure a child in a child restraint system or in an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(G) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(H) There is hereby created in the state treasury the "child highway safety fund," consisting of fines imposed pursuant to division (J)(1) of this section for violations of divisions (A), (B), and (C) of this section. The money in the fund shall be used by the department of health only to defray the cost of designating hospitals as pediatric trauma centers under section 3727.081 of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems generally and the importance of their proper use. The program also shall include a process for providing child restraint systems to persons who meet the eligibility criteria established by the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use.

(I) The director of health, in accordance with Chapter 119. of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system under the department's child restraint system program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

(J)(1) Whoever violates division (A), (B), or (C) of this section shall be

punished as follows:

(a) Except as otherwise provided in division (J)(1)(b) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B), or (C) of this section or of a municipal ordinance that is substantially similar to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (J)(1) of this section shall be forwarded to the treasurer of state for deposit in the "child highway safety fund" created by division (H) of this section.

SECTION 2. That existing section 4511.81 of the Revised Code is hereby repealed.

SECTION 3. That Sections 555.07 and 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly be amended to read as follows:

Sec. 555.07. From July 1, ~~2007~~ 2008, through June 30, 2009, three or fewer steel coils are deemed to be a nondivisible load for purposes of special permits issued under section 4513.34 of the Revised Code, provided that the maximum overall gross vehicle weight of the vehicle and load shall not exceed ~~92,000~~ 120,000 pounds.

Sec. 555.19. In fiscal year 2008, the Department of Transportation shall expend at least \$400,000 in the township having the largest ~~geographic area~~ population according to the 2000 federal decennial census for a pilot program involving the installation and operation of a system of portable signal preemption devices. Use of the devices in the pilot program shall be in accordance with section 4511.031 of the Revised Code. The Department shall consult with appropriate township officials in implementing the pilot program.

SECTION 4. That existing Sections 555.07 and 555.19 of Am. Sub. H.B. 67 of the 127th General Assembly are hereby repealed.

SECTION 5. That Section 555.08 of Am. Sub. H.B. 67 of the 127th General Assembly, as amended by Am. Sub. H.B. 119 of the 127th General Assembly, be amended to read as follows:

Sec. 555.08. The Department of Transportation shall construct the major

new construction projects selected by the Transportation Review Advisory Council on December 20, 2006, as Tier I projects for construction in fiscal years 2007 through 2013 and shall not ~~undertake~~ commence construction of other major new construction projects ~~until~~ unless construction of such selected Tier I projects ~~has commenced~~ is progressing in accordance with the December 20, 2006, recommendations. However, nothing in this section shall require the Department of Transportation to ~~undertake~~ advance the major new Tier I construction projects selected by the Transportation Review Advisory Council on December 20, 2006, ahead of projects selected as Tier I projects prior to that date; the Department may continue with such previously selected Tier I projects in accordance with the prior recommendations. The Department of Transportation may continue the planning and development steps of its project development process for other major new construction projects and the Transportation Review Advisory Council may recommend additional major new projects in accordance with the policies promulgated by the Council, but new Tier I projects shall not be given priority over Tier I projects recommended on December 20, 2006.

SECTION 6. That existing Section 555.08 of Am. Sub. H.B. 67 of the 127th General Assembly, as amended by Am. Sub. H.B. 119 of the 127th General Assembly, is hereby repealed.

SECTION 7. The Department of Transportation shall study the impact upon any highway under its jurisdiction of granting permits for the operation or movement of an overweight vehicle or combination of vehicles of a weight exceeding the maximum specified in sections 5577.02 to 5577.04 of the Revised Code. In particular, the Department shall document the use and effect of continuing permits. The Department shall determine whether permitting regulations impose the least burden and costs to a business and avoid placing entities doing business in this state at a competitive disadvantage relative to businesses located in other states or countries. The Department shall issue a report of its findings to the General Assembly and the Governor by February 1, 2009.

SECTION 8. Section 4511.094 of the Revised Code takes effect six months after the effective date of this section.



Speaker _____ of the House of Representatives.



President _____ of the Senate.

Passed May 29, 2008

Approved June 12, 2008



Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Mark C. Flanders

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
13th day of June, A. D. 2008.

John B.

Secretary of State.

File No. 116

Effective Date 9/12/08; certain sections
effective on other dates.