

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 436

Representatives Boggs, Leland

Cosponsors: Representatives Kelly, Rogers, Lepore-Hagan, Smith, K., West

A BILL

To amend sections 4511.11 and 4511.21 of the 1
Revised Code to permit a local resident, 2
neighborhood association, or neighborhood 3
organization to request the erection of a stop 4
sign at an intersection and to support a request 5
for a lower prima facie speed limit on certain 6
streets and highways. 7

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

Section 1. That sections 4511.11 and 4511.21 of the 8
Revised Code be amended to read as follows: 9

Sec. 4511.11. (A) ~~Local~~ Except as provided in division (B) 10
of this section, local authorities in their respective 11
jurisdictions shall place and maintain traffic control devices 12
in accordance with the department of transportation manual for a 13
uniform system of traffic control devices, adopted under section 14
4511.09 of the Revised Code, upon highways under their 15
jurisdiction as are necessary to indicate and to carry out 16
sections 4511.01 to 4511.76 and 4511.99 of the Revised Code, 17
local traffic ordinances, or to regulate, warn, or guide 18

traffic. 19

(B) (1) Either of the following may submit a petition to 20
the director of transportation or the proper local authority 21
requesting that a stop sign be erected at an intersection at 22
which a stop sign currently is not present: 23

(a) A person who resides within a one-quarter mile radius 24
of the intersection if the intersection is within the boundaries 25
of a municipal corporation, or a person who resides within a 26
one-half mile radius of the intersection if the intersection is 27
not within the boundaries of a municipal corporation; 28

(b) A recognized neighborhood association or organization 29
that represents the area within which the intersection is 30
located. 31

(2) The petitioner shall specify in the petition the 32
intersection at which the petitioner desires the stop sign to be 33
erected by describing in detail the intersection's location. If 34
the intersection is located within the boundaries of a municipal 35
corporation, the petitioner also shall include with the petition 36
the signatures of at least fifty-one per cent of the persons who 37
own real property within a one-quarter mile radius of the 38
intersection. If the intersection is not located within the 39
boundaries of a municipal corporation, the petitioner also shall 40
include with the petition the signatures of at least fifty-one 41
per cent of the persons who own real property within a one-half 42
mile radius of the intersection. 43

(3) Upon receipt of the petition, the director or local 44
authority shall determine whether a stop sign should be erected 45
at the intersection. The director or local authority, in 46
addition to consulting the state manual, shall take into account 47

and give due consideration to the petition in determining 48
whether to erect the stop sign requested in the petition. The 49
director or local authority shall notify the petitioner in 50
writing of the director's or local authority's decision 51
regarding the requested stop sign. 52

If the director or local authority determines that a stop 53
sign should be erected at the intersection, the director or 54
local authority shall issue a written determination. The 55
director or local authority shall install the stop sign at the 56
intersection not later than thirty days after the date the 57
director or local authority issues the written determination. 58

(C) The director of transportation may require to be 59
removed any traffic control device that does not conform to the 60
state manual for a uniform system of traffic control devices on 61
the extensions of the state highway system within municipal 62
corporations. 63

~~(C)~~ (D) No village shall place or maintain any traffic 64
control signal upon an extension of the state highway system 65
within the village without first obtaining the permission of the 66
director. The director may revoke the permission and may require 67
to be removed any traffic control signal that has been erected 68
without the director's permission on an extension of a state 69
highway within a village, or that, if erected under a permit 70
granted by the director, does not conform to the state manual, 71
or that is not operated in accordance with the terms of the 72
permit. 73

~~(D)~~ (E) All traffic control devices erected on any street, 74
highway, alley, bikeway, or private road open to public travel 75
shall conform to the state manual. 76

~~(E)~~(F) No person, firm, or corporation shall sell or 77
offer for sale to local authorities any traffic control device 78
that does not conform to the state manual, except by permission 79
of the director. 80

~~(F)~~(G) No local authority shall purchase or manufacture 81
any traffic control device that does not conform to the state 82
manual, except by permission of the director. 83

~~(G)~~(H) Whoever violates division ~~(E)~~(F) of this section 84
is guilty of a misdemeanor of the third degree. 85

Sec. 4511.21. (A) No person shall operate a motor vehicle, 86
trackless trolley, or streetcar at a speed greater or less than 87
is reasonable or proper, having due regard to the traffic, 88
surface, and width of the street or highway and any other 89
conditions, and no person shall drive any motor vehicle, 90
trackless trolley, or streetcar in and upon any street or 91
highway at a greater speed than will permit the person to bring 92
it to a stop within the assured clear distance ahead. 93

(B) It is prima-facie lawful, in the absence of a lower 94
limit declared or established pursuant to this section by the 95
director of transportation or local authorities, for the 96
operator of a motor vehicle, trackless trolley, or streetcar to 97
operate the same at a speed not exceeding the following: 98

(1) (a) Twenty miles per hour in school zones during school 99
recess and while children are going to or leaving school during 100
the opening or closing hours, and when twenty miles per hour 101
school speed limit signs are erected; except that, on 102
controlled-access highways and expressways, if the right-of-way 103
line fence has been erected without pedestrian opening, the 104
speed shall be governed by division (B) (4) of this section and 105

on freeways, if the right-of-way line fence has been erected 106
without pedestrian opening, the speed shall be governed by 107
divisions (B) (10) and (11) of this section. The end of every 108
school zone may be marked by a sign indicating the end of the 109
zone. Nothing in this section or in the manual and 110
specifications for a uniform system of traffic control devices 111
shall be construed to require school zones to be indicated by 112
signs equipped with flashing or other lights, or giving other 113
special notice of the hours in which the school zone speed limit 114
is in effect. 115

(b) As used in this section and in section 4511.212 of the 116
Revised Code, "school" means any school chartered under section 117
3301.16 of the Revised Code and any nonchartered school that 118
during the preceding year filed with the department of education 119
in compliance with rule 3301-35-08 of the Ohio Administrative 120
Code, a copy of the school's report for the parents of the 121
school's pupils certifying that the school meets Ohio minimum 122
standards for nonchartered, nontax-supported schools and 123
presents evidence of this filing to the jurisdiction from which 124
it is requesting the establishment of a school zone. "School" 125
also includes a special elementary school that in writing 126
requests the county engineer of the county in which the special 127
elementary school is located to create a school zone at the 128
location of that school. Upon receipt of such a written request, 129
the county engineer shall create a school zone at that location 130
by erecting the appropriate signs. 131

(c) As used in this section, "school zone" means that 132
portion of a street or highway passing a school fronting upon 133
the street or highway that is encompassed by projecting the 134
school property lines to the fronting street or highway, and 135
also includes that portion of a state highway. Upon request from 136

local authorities for streets and highways under their 137
jurisdiction and that portion of a state highway under the 138
jurisdiction of the director of transportation or a request from 139
a county engineer in the case of a school zone for a special 140
elementary school, the director may extend the traditional 141
school zone boundaries. The distances in divisions (B) (1) (c) (i), 142
(ii), and (iii) of this section shall not exceed three hundred 143
feet per approach per direction and are bounded by whichever of 144
the following distances or combinations thereof the director 145
approves as most appropriate: 146

(i) The distance encompassed by projecting the school 147
building lines normal to the fronting highway and extending a 148
distance of three hundred feet on each approach direction; 149

(ii) The distance encompassed by projecting the school 150
property lines intersecting the fronting highway and extending a 151
distance of three hundred feet on each approach direction; 152

(iii) The distance encompassed by the special marking of 153
the pavement for a principal school pupil crosswalk plus a 154
distance of three hundred feet on each approach direction of the 155
highway. 156

Nothing in this section shall be construed to invalidate 157
the director's initial action on August 9, 1976, establishing 158
all school zones at the traditional school zone boundaries 159
defined by projecting school property lines, except when those 160
boundaries are extended as provided in divisions (B) (1) (a) and 161
(c) of this section. 162

(d) As used in this division, "crosswalk" has the meaning 163
given that term in division (LL) (2) of section 4511.01 of the 164
Revised Code. 165

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering, traffic, and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipal corporation, lying within the unincorporated territory of the township, or lying adjacent to the property of a school that is operated by such county board, that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than one thousand three hundred twenty feet. Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred feet on each approach direction of the state route.

(e) As used in this section, "special elementary school" means a school that meets all of the following criteria:

(i) It is not chartered and does not receive tax revenue from any source.

(ii) It does not educate children beyond the eighth grade.

(iii) It is located outside the limits of a municipal corporation.

(iv) A majority of the total number of students enrolled at the school are not related by blood.

(v) The principal or other person in charge of the special

elementary school annually sends a report to the superintendent 195
of the school district in which the special elementary school is 196
located indicating the total number of students enrolled at the 197
school, but otherwise the principal or other person in charge 198
does not report any other information or data to the 199
superintendent. 200

(2) Twenty-five miles per hour in all other portions of a 201
municipal corporation, except on state routes outside business 202
districts, through highways outside business districts, and 203
alleys; 204

(3) Thirty-five miles per hour on all state routes or 205
through highways within municipal corporations outside business 206
districts, except as provided in divisions (B) (4) and (6) of 207
this section; 208

(4) Fifty miles per hour on controlled-access highways and 209
expressways within municipal corporations; 210

(5) Fifty-five miles per hour on highways outside 211
municipal corporations, other than highways within island 212
jurisdictions as provided in division (B) (8) of this section, 213
highways as provided in divisions (B) (9) and (10) of this 214
section, and highways, expressways, and freeways as provided in 215
divisions (B) (13), (14), (15), and (17) of this section; 216

(6) Fifty miles per hour on state routes within municipal 217
corporations outside urban districts unless a lower prima-facie 218
speed is established as further provided in this section; 219

(7) Fifteen miles per hour on all alleys within the 220
municipal corporation; 221

(8) Thirty-five miles per hour on highways outside 222
municipal corporations that are within an island jurisdiction; 223

(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;	224 225 226 227
(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section;	228 229 230
(11) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B) (15) and (17) of this section;	231 232 233 234
(12) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B) (15) and (17) of this section;	235 236 237
(13) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;	238 239
(14) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;	240 241 242
(15) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways;	243 244
(16) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;	245 246 247 248 249
(17) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas	250 251

as determined by the director and that are part of the 252
interstate system and are part of an interstate freeway 253
outerbelt. 254

(C) It is prima-facie unlawful for any person to exceed 255
any of the speed limitations in divisions (B) (1) (a), (2), (3), 256
(4), (6), (7), (8), and (9) of this section, or any declared or 257
established pursuant to this section by the director or local 258
authorities and it is unlawful for any person to exceed any of 259
the speed limitations in division (D) of this section. No person 260
shall be convicted of more than one violation of this section 261
for the same conduct, although violations of more than one 262
provision of this section may be charged in the alternative in a 263
single affidavit. 264

(D) No person shall operate a motor vehicle, trackless 265
trolley, or streetcar upon a street or highway as follows: 266

(1) At a speed exceeding fifty-five miles per hour, except 267
upon a two-lane state route as provided in division (B) (10) of 268
this section and upon a highway, expressway, or freeway as 269
provided in divisions (B) (13), (14), (15), and (17) of this 270
section; 271

(2) At a speed exceeding sixty miles per hour upon a two- 272
lane state route as provided in division (B) (10) of this section 273
and upon a highway as provided in division (B) (13) of this 274
section; 275

(3) At a speed exceeding sixty-five miles per hour upon an 276
expressway as provided in division (B) (14) or upon a freeway as 277
provided in division (B) (17) of this section, except upon a 278
freeway as provided in division (B) (15) of this section; 279

(4) At a speed exceeding seventy miles per hour upon a 280

freeway as provided in division (B) (15) of this section; 281

(5) At a speed exceeding the posted speed limit upon a 282
highway, expressway, or freeway for which the director has 283
determined and declared a speed limit pursuant to division (I) 284
(2) or (L) (2) of this section. 285

(E) In every charge of violation of this section the 286
affidavit and warrant shall specify the time, place, and speed 287
at which the defendant is alleged to have driven, and in charges 288
made in reliance upon division (C) of this section also the 289
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or 290
(9) of, or a limit declared or established pursuant to, this 291
section declares is prima-facie lawful at the time and place of 292
such alleged violation, except that in affidavits where a person 293
is alleged to have driven at a greater speed than will permit 294
the person to bring the vehicle to a stop within the assured 295
clear distance ahead the affidavit and warrant need not specify 296
the speed at which the defendant is alleged to have driven. 297

(F) When a speed in excess of both a prima-facie 298
limitation and a limitation in division (D) of this section is 299
alleged, the defendant shall be charged in a single affidavit, 300
alleging a single act, with a violation indicated of both 301
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 302
section, or of a limit declared or established pursuant to this 303
section by the director or local authorities, and of the 304
limitation in division (D) of this section. If the court finds a 305
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 306
or (9) of, or a limit declared or established pursuant to, this 307
section has occurred, it shall enter a judgment of conviction 308
under such division and dismiss the charge under division (D) of 309
this section. If it finds no violation of division (B) (1) (a), 310

(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 311
established pursuant to, this section, it shall then consider 312
whether the evidence supports a conviction under division (D) of 313
this section. 314

(G) Points shall be assessed for violation of a limitation 315
under division (D) of this section in accordance with section 316
4510.036 of the Revised Code. 317

(H) (1) Whenever the director determines upon the basis of 318
a geometric and traffic characteristic study that any speed 319
limit set forth in divisions (B) (1) (a) to (D) of this section is 320
greater or less than is reasonable or safe under the conditions 321
found to exist at any portion of a street or highway under the 322
jurisdiction of the director, the director shall determine and 323
declare a reasonable and safe prima-facie speed limit, which 324
shall be effective when appropriate signs giving notice of it 325
are erected at the location. 326

(2) Whenever the director determines upon the basis of a 327
geometric and traffic characteristic study that the speed limit 328
of fifty-five miles per hour on a two-lane state route outside a 329
municipal corporation is less than is reasonable or safe under 330
the conditions found to exist at that portion of the state 331
route, the director may determine and declare a speed limit of 332
sixty miles per hour for that portion of the state route, which 333
shall be effective when appropriate signs giving notice of it 334
are erected at the location. 335

(3) For purposes of the safe and orderly movement of 336
traffic upon any portion of a street or highway under the 337
jurisdiction of the director, the director may establish a 338
variable speed limit that is different than the speed limit 339
established by or under this section on all or portions of 340

interstate six hundred seventy, interstate two hundred seventy- 341
five, and interstate ninety commencing at the intersection of 342
that interstate with interstate seventy-one and continuing to 343
the border of the state of Ohio with the state of Pennsylvania. 344
The director shall establish criteria for determining the 345
appropriate use of variable speed limits and shall establish 346
variable speed limits in accordance with the criteria. The 347
director may establish variable speed limits based upon the time 348
of day, weather conditions, traffic incidents, or other factors 349
that affect the safe speed on a street or highway. The director 350
shall not establish a variable speed limit that is based on a 351
particular type or class of vehicle. A variable speed limit 352
established by the director under this section is effective when 353
appropriate signs giving notice of the speed limit are displayed 354
at the location. 355

(4) Nothing in this section shall be construed to limit 356
the authority of the director to establish speed limits within a 357
construction zone as authorized under section 4511.98 of the 358
Revised Code. 359

(I) (1) (a) Except as provided in divisions (I) (2) and (K) 360
of this section, whenever local authorities determine upon the 361
basis of an engineering and traffic investigation that the speed 362
permitted by divisions (B) (1) (a) to (D) of this section, on any 363
part of a highway under their jurisdiction, is greater than is 364
reasonable and safe under the conditions found to exist at such 365
location, the local authorities may by resolution request the 366
director to determine and declare a reasonable and safe prima- 367
facie speed limit. Upon receipt of such request the director may 368
determine and declare a reasonable and safe prima-facie speed 369
limit at such location, and if the director does so, then such 370
declared speed limit shall become effective only when 371

appropriate signs giving notice thereof are erected at such 372
location by the local authorities. The director may withdraw the 373
declaration of a prima-facie speed limit whenever in the 374
director's opinion the altered prima-facie speed becomes 375
unreasonable. Upon such withdrawal, the declared prima-facie 376
speed shall become ineffective and the signs relating thereto 377
shall be immediately removed by the local authorities. 378

(b) In addition to the resolution request for a lower 379
prima facie speed limit under division (I) (1) (a) of this 380
section, when the street or highway has a speed limit of thirty- 381
five miles per hour or less, either of the following may submit 382
a petition to the director supporting the request for a lower 383
prima facie speed limit: 384

(i) A person who resides on the street or highway; 385

(ii) A recognized neighborhood association or organization 386
that represents the area within which the street or highway is 387
located. 388

The petitioner shall specify with reasonable detail in the 389
petition the portion of the street or highway that the 390
petitioner desires to be subject to the speed limit reduction. 391
The petitioner also shall include with the petition the 392
signatures of at least fifty-one per cent of the persons who own 393
real property located on the subject portion of the street or 394
highway. 395

Upon receipt of the petition, the director, in making a 396
determination pursuant to division (I) (1) (a) of this section, 397
shall take into account and give due consideration to the 398
petition in determining whether to declare a lower prima facie 399
speed limit on the portion of the street or highway specified in 400

the petition. The director shall notify the petitioner in 401
writing of the director's decision regarding the requested lower 402
prima facie speed limit. 403

(2) A local authority may determine on the basis of a 404
geometric and traffic characteristic study that the speed limit 405
of sixty-five miles per hour on a portion of a freeway under its 406
jurisdiction that was established through the operation of 407
division (L) (3) of this section is greater than is reasonable or 408
safe under the conditions found to exist at that portion of the 409
freeway. If the local authority makes such a determination, the 410
local authority by resolution may request the director to 411
determine and declare a reasonable and safe speed limit of not 412
less than fifty-five miles per hour for that portion of the 413
freeway. If the director takes such action, the declared speed 414
limit becomes effective only when appropriate signs giving 415
notice of it are erected at such location by the local 416
authority. 417

(J) Local authorities in their respective jurisdictions 418
may authorize by ordinance higher prima-facie speeds than those 419
stated in this section upon through highways, or upon highways 420
or portions thereof where there are no intersections, or between 421
widely spaced intersections, provided signs are erected giving 422
notice of the authorized speed, but local authorities shall not 423
modify or alter the basic rule set forth in division (A) of this 424
section or in any event authorize by ordinance a speed in excess 425
of fifty miles per hour. 426

Alteration of prima-facie limits on state routes by local 427
authorities shall not be effective until the alteration has been 428
approved by the director. The director may withdraw approval of 429
any altered prima-facie speed limits whenever in the director's 430

opinion any altered prima-facie speed becomes unreasonable, and 431
upon such withdrawal, the altered prima-facie speed shall become 432
ineffective and the signs relating thereto shall be immediately 433
removed by the local authorities. 434

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 435
this section, "unimproved highway" means a highway consisting of 436
any of the following: 437

(a) Unimproved earth; 438

(b) Unimproved graded and drained earth; 439

(c) Gravel. 440

(2) Except as otherwise provided in divisions (K) (4) and 441
(5) of this section, whenever a board of township trustees 442
determines upon the basis of an engineering and traffic 443
investigation that the speed permitted by division (B) (5) of 444
this section on any part of an unimproved highway under its 445
jurisdiction and in the unincorporated territory of the township 446
is greater than is reasonable or safe under the conditions found 447
to exist at the location, the board may by resolution declare a 448
reasonable and safe prima-facie speed limit of fifty-five but 449
not less than twenty-five miles per hour. An altered speed limit 450
adopted by a board of township trustees under this division 451
becomes effective when appropriate traffic control devices, as 452
prescribed in section 4511.11 of the Revised Code, giving notice 453
thereof are erected at the location, which shall be no sooner 454
than sixty days after adoption of the resolution. 455

(3) (a) Whenever, in the opinion of a board of township 456
trustees, any altered prima-facie speed limit established by the 457
board under this division becomes unreasonable, the board may 458
adopt a resolution withdrawing the altered prima-facie speed 459

limit. Upon the adoption of such a resolution, the altered 460
prima-facie speed limit becomes ineffective and the traffic 461
control devices relating thereto shall be immediately removed. 462

(b) Whenever a highway ceases to be an unimproved highway 463
and the board has adopted an altered prima-facie speed limit 464
pursuant to division (K) (2) of this section, the board shall, by 465
resolution, withdraw the altered prima-facie speed limit as soon 466
as the highway ceases to be unimproved. Upon the adoption of 467
such a resolution, the altered prima-facie speed limit becomes 468
ineffective and the traffic control devices relating thereto 469
shall be immediately removed. 470

(4) (a) If the boundary of two townships rests on the 471
centerline of an unimproved highway in unincorporated territory 472
and both townships have jurisdiction over the highway, neither 473
of the boards of township trustees of such townships may declare 474
an altered prima-facie speed limit pursuant to division (K) (2) 475
of this section on the part of the highway under their joint 476
jurisdiction unless the boards of township trustees of both of 477
the townships determine, upon the basis of an engineering and 478
traffic investigation, that the speed permitted by division (B) 479
(5) of this section is greater than is reasonable or safe under 480
the conditions found to exist at the location and both boards 481
agree upon a reasonable and safe prima-facie speed limit of less 482
than fifty-five but not less than twenty-five miles per hour for 483
that location. If both boards so agree, each shall follow the 484
procedure specified in division (K) (2) of this section for 485
altering the prima-facie speed limit on the highway. Except as 486
otherwise provided in division (K) (4) (b) of this section, no 487
speed limit altered pursuant to division (K) (4) (a) of this 488
section may be withdrawn unless the boards of township trustees 489
of both townships determine that the altered prima-facie speed 490

limit previously adopted becomes unreasonable and each board 491
adopts a resolution withdrawing the altered prima-facie speed 492
limit pursuant to the procedure specified in division (K) (3) (a) 493
of this section. 494

(b) Whenever a highway described in division (K) (4) (a) of 495
this section ceases to be an unimproved highway and two boards 496
of township trustees have adopted an altered prima-facie speed 497
limit pursuant to division (K) (4) (a) of this section, both 498
boards shall, by resolution, withdraw the altered prima-facie 499
speed limit as soon as the highway ceases to be unimproved. Upon 500
the adoption of the resolution, the altered prima-facie speed 501
limit becomes ineffective and the traffic control devices 502
relating thereto shall be immediately removed. 503

(5) As used in division (K) (5) of this section: 504

(a) "Commercial subdivision" means any platted territory 505
outside the limits of a municipal corporation and fronting a 506
highway where, for a distance of three hundred feet or more, the 507
frontage is improved with buildings in use for commercial 508
purposes, or where the entire length of the highway is less than 509
three hundred feet long and the frontage is improved with 510
buildings in use for commercial purposes. 511

(b) "Residential subdivision" means any platted territory 512
outside the limits of a municipal corporation and fronting a 513
highway, where, for a distance of three hundred feet or more, 514
the frontage is improved with residences or residences and 515
buildings in use for business, or where the entire length of the 516
highway is less than three hundred feet long and the frontage is 517
improved with residences or residences and buildings in use for 518
business. 519

Whenever a board of township trustees finds upon the basis 520
of an engineering and traffic investigation that the prima-facie 521
speed permitted by division (B) (5) of this section on any part 522
of a highway under its jurisdiction that is located in a 523
commercial or residential subdivision, except on highways or 524
portions thereof at the entrances to which vehicular traffic 525
from the majority of intersecting highways is required to yield 526
the right-of-way to vehicles on such highways in obedience to 527
stop or yield signs or traffic control signals, is greater than 528
is reasonable and safe under the conditions found to exist at 529
the location, the board may by resolution declare a reasonable 530
and safe prima-facie speed limit of less than fifty-five but not 531
less than twenty-five miles per hour at the location. An altered 532
speed limit adopted by a board of township trustees under this 533
division shall become effective when appropriate signs giving 534
notice thereof are erected at the location by the township. 535
Whenever, in the opinion of a board of township trustees, any 536
altered prima-facie speed limit established by it under this 537
division becomes unreasonable, it may adopt a resolution 538
withdrawing the altered prima-facie speed, and upon such 539
withdrawal, the altered prima-facie speed shall become 540
ineffective, and the signs relating thereto shall be immediately 541
removed by the township. 542

(L) (1) On September 29, 2013, the director of 543
transportation, based upon an engineering study of a highway, 544
expressway, or freeway described in division (B) (13), (14), 545
(15), (16), or (17) of this section, in consultation with the 546
director of public safety and, if applicable, the local 547
authority having jurisdiction over the studied highway, 548
expressway, or freeway, may determine and declare that the speed 549
limit established on such highway, expressway, or freeway under 550

division (B) (13), (14), (15), (16), or (17) of this section 551
either is reasonable and safe or is more or less than that which 552
is reasonable and safe. 553

(2) If the established speed limit for a highway, 554
expressway, or freeway studied pursuant to division (L) (1) of 555
this section is determined to be more or less than that which is 556
reasonable and safe, the director of transportation, in 557
consultation with the director of public safety and, if 558
applicable, the local authority having jurisdiction over the 559
studied highway, expressway, or freeway, shall determine and 560
declare a reasonable and safe speed limit for that highway, 561
expressway, or freeway. 562

(M) (1) (a) If the boundary of two local authorities rests 563
on the centerline of a highway and both authorities have 564
jurisdiction over the highway, the speed limit for the part of 565
the highway within their joint jurisdiction shall be either one 566
of the following as agreed to by both authorities: 567

(i) Either prima-facie speed limit permitted by division 568
(B) of this section; 569

(ii) An altered speed limit determined and posted in 570
accordance with this section. 571

(b) If the local authorities are unable to reach an 572
agreement, the speed limit shall remain as established and 573
posted under this section. 574

(2) Neither local authority may declare an altered prima- 575
facie speed limit pursuant to this section on the part of the 576
highway under their joint jurisdiction unless both of the local 577
authorities determine, upon the basis of an engineering and 578
traffic investigation, that the speed permitted by this section 579

is greater than is reasonable or safe under the conditions found 580
to exist at the location and both authorities agree upon a 581
uniform reasonable and safe prima-facie speed limit of less than 582
fifty-five but not less than twenty-five miles per hour for that 583
location. If both authorities so agree, each shall follow the 584
procedure specified in this section for altering the prima-facie 585
speed limit on the highway, and the speed limit for the part of 586
the highway within their joint jurisdiction shall be uniformly 587
altered. No altered speed limit may be withdrawn unless both 588
local authorities determine that the altered prima-facie speed 589
limit previously adopted becomes unreasonable and each adopts a 590
resolution withdrawing the altered prima-facie speed limit 591
pursuant to the procedure specified in this section. 592

(N) The legislative authority of a municipal corporation 593
or township in which a boarding school is located, by resolution 594
or ordinance, may establish a boarding school zone. The 595
legislative authority may alter the speed limit on any street or 596
highway within the boarding school zone and shall specify the 597
hours during which the altered speed limit is in effect. For 598
purposes of determining the boundaries of the boarding school 599
zone, the altered speed limit within the boarding school zone, 600
and the hours the altered speed limit is in effect, the 601
legislative authority shall consult with the administration of 602
the boarding school and with the county engineer or other 603
appropriate engineer, as applicable. A boarding school zone 604
speed limit becomes effective only when appropriate signs giving 605
notice thereof are erected at the appropriate locations. 606

(O) As used in this section: 607

(1) "Interstate system" has the same meaning as in 23 608
U.S.C.A. 101. 609

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

(4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.

(5) "Rural" means outside urbanized areas, as designated in accordance with 23 U.S.C. 101, and outside of a business or urban district.

(P) (1) A violation of any provision of this section is one of the following:

(a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of 639
or pleaded guilty to a violation of any provision of this 640
section or of any provision of a municipal ordinance that is 641
substantially similar to this section and operated a motor 642
vehicle faster than thirty-five miles an hour in a business 643
district of a municipal corporation, faster than fifty miles an 644
hour in other portions of a municipal corporation, or faster 645
than thirty-five miles an hour in a school zone during recess or 646
while children are going to or leaving school during the 647
school's opening or closing hours, a misdemeanor of the fourth 648
degree. 649

(3) Notwithstanding division (P)(1) of this section, if 650
the offender operated a motor vehicle in a construction zone 651
where a sign was then posted in accordance with section 4511.98 652
of the Revised Code, the court, in addition to all other 653
penalties provided by law, shall impose upon the offender a fine 654
of two times the usual amount imposed for the violation. No 655
court shall impose a fine of two times the usual amount imposed 656
for the violation upon an offender if the offender alleges, in 657
an affidavit filed with the court prior to the offender's 658
sentencing, that the offender is indigent and is unable to pay 659
the fine imposed pursuant to this division and if the court 660
determines that the offender is an indigent person and unable to 661
pay the fine. 662

Section 2. That existing sections 4511.11 and 4511.21 of 663
the Revised Code are hereby repealed. 664