

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 219

Representative Bocchieri

**Cosponsors: Representatives Hood, Sheehy, Lepore-Hagan, Becker, Miller,
Ashford, Seitz, O'Brien, West, Craig, Kent, Holmes**

A BILL

To amend section 4511.21 of the Revised Code to 1
specify that a speed limit becomes effective at 2
a reasonable distance from the appropriate sign 3
giving notice of the speed limit. 4

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

Section 1. That section 4511.21 of the Revised Code be 5
amended to read as follows: 6

Sec. 4511.21. (A) No person shall operate a motor vehicle, 7
trackless trolley, or streetcar at a speed greater or less than 8
is reasonable or proper, having due regard to the traffic, 9
surface, and width of the street or highway and any other 10
conditions, and no person shall drive any motor vehicle, 11
trackless trolley, or streetcar in and upon any street or 12
highway at a greater speed than will permit the person to bring 13
it to a stop within the assured clear distance ahead. 14

(B) It is prima-facie lawful, in the absence of a lower 15
limit declared or established pursuant to this section by the 16
director of transportation or local authorities, for the 17

operator of a motor vehicle, trackless trolley, or streetcar to 18
operate the same at a speed not exceeding the following: 19

(1) (a) Twenty miles per hour in school zones during school 20
recess and while children are going to or leaving school during 21
the opening or closing hours, and when twenty miles per hour 22
school speed limit signs are erected; except that, on 23
controlled-access highways and expressways, if the right-of-way 24
line fence has been erected without pedestrian opening, the 25
speed shall be governed by division (B) (4) of this section and 26
on freeways, if the right-of-way line fence has been erected 27
without pedestrian opening, the speed shall be governed by 28
divisions (B) (10) and (11) of this section. The end of every 29
school zone may be marked by a sign indicating the end of the 30
zone. Nothing in this section or in the manual and 31
specifications for a uniform system of traffic control devices 32
shall be construed to require school zones to be indicated by 33
signs equipped with flashing or other lights, or giving other 34
special notice of the hours in which the school zone speed limit 35
is in effect. 36

(b) As used in this section and in section 4511.212 of the 37
Revised Code, "school" means any school chartered under section 38
3301.16 of the Revised Code and any nonchartered school that 39
during the preceding year filed with the department of education 40
in compliance with rule 3301-35-08 of the Ohio Administrative 41
Code, a copy of the school's report for the parents of the 42
school's pupils certifying that the school meets Ohio minimum 43
standards for nonchartered, nontax-supported schools and 44
presents evidence of this filing to the jurisdiction from which 45
it is requesting the establishment of a school zone. "School" 46
also includes a special elementary school that in writing 47
requests the county engineer of the county in which the special 48

elementary school is located to create a school zone at the 49
location of that school. Upon receipt of such a written request, 50
the county engineer shall create a school zone at that location 51
by erecting the appropriate signs. 52

(c) As used in this section, "school zone" means that 53
portion of a street or highway passing a school fronting upon 54
the street or highway that is encompassed by projecting the 55
school property lines to the fronting street or highway, and 56
also includes that portion of a state highway. Upon request from 57
local authorities for streets and highways under their 58
jurisdiction and that portion of a state highway under the 59
jurisdiction of the director of transportation or a request from 60
a county engineer in the case of a school zone for a special 61
elementary school, the director may extend the traditional 62
school zone boundaries. The distances in divisions (B) (1) (c) (i), 63
(ii), and (iii) of this section shall not exceed three hundred 64
feet per approach per direction and are bounded by whichever of 65
the following distances or combinations thereof the director 66
approves as most appropriate: 67

(i) The distance encompassed by projecting the school 68
building lines normal to the fronting highway and extending a 69
distance of three hundred feet on each approach direction; 70

(ii) The distance encompassed by projecting the school 71
property lines intersecting the fronting highway and extending a 72
distance of three hundred feet on each approach direction; 73

(iii) The distance encompassed by the special marking of 74
the pavement for a principal school pupil crosswalk plus a 75
distance of three hundred feet on each approach direction of the 76
highway. 77

Nothing in this section shall be construed to invalidate 78
the director's initial action on August 9, 1976, establishing 79
all school zones at the traditional school zone boundaries 80
defined by projecting school property lines, except when those 81
boundaries are extended as provided in divisions (B) (1) (a) and 82
(c) of this section. 83

(d) As used in this division, "crosswalk" has the meaning 84
given that term in division (LL) (2) of section 4511.01 of the 85
Revised Code. 86

The director may, upon request by resolution of the 87
legislative authority of a municipal corporation, the board of 88
trustees of a township, or a county board of developmental 89
disabilities created pursuant to Chapter 5126. of the Revised 90
Code, and upon submission by the municipal corporation, 91
township, or county board of such engineering, traffic, and 92
other information as the director considers necessary, designate 93
a school zone on any portion of a state route lying within the 94
municipal corporation, lying within the unincorporated territory 95
of the township, or lying adjacent to the property of a school 96
that is operated by such county board, that includes a crosswalk 97
customarily used by children going to or leaving a school during 98
recess and opening and closing hours, whenever the distance, as 99
measured in a straight line, from the school property line 100
nearest the crosswalk to the nearest point of the crosswalk is 101
no more than one thousand three hundred twenty feet. Such a 102
school zone shall include the distance encompassed by the 103
crosswalk and extending three hundred feet on each approach 104
direction of the state route. 105

(e) As used in this section, "special elementary school" 106
means a school that meets all of the following criteria: 107

(i) It is not chartered and does not receive tax revenue	108
from any source.	109
(ii) It does not educate children beyond the eighth grade.	110
(iii) It is located outside the limits of a municipal	111
corporation.	112
(iv) A majority of the total number of students enrolled	113
at the school are not related by blood.	114
(v) The principal or other person in charge of the special	115
elementary school annually sends a report to the superintendent	116
of the school district in which the special elementary school is	117
located indicating the total number of students enrolled at the	118
school, but otherwise the principal or other person in charge	119
does not report any other information or data to the	120
superintendent.	121
(2) Twenty-five miles per hour in all other portions of a	122
municipal corporation, except on state routes outside business	123
districts, through highways outside business districts, and	124
alleys;	125
(3) Thirty-five miles per hour on all state routes or	126
through highways within municipal corporations outside business	127
districts, except as provided in divisions (B) (4) and (6) of	128
this section;	129
(4) Fifty miles per hour on controlled-access highways and	130
expressways within municipal corporations;	131
(5) Fifty-five miles per hour on highways outside	132
municipal corporations, other than highways within island	133
jurisdictions as provided in division (B) (8) of this section,	134
highways as provided in divisions (B) (9) and (10) of this	135

section, and highways, expressways, and freeways as provided in	136
divisions (B) (13), (14), (15), and (17) of this section;	137
(6) Fifty miles per hour on state routes within municipal	138
corporations outside urban districts unless a lower prima-facie	139
speed is established as further provided in this section;	140
(7) Fifteen miles per hour on all alleys within the	141
municipal corporation;	142
(8) Thirty-five miles per hour on highways outside	143
municipal corporations that are within an island jurisdiction;	144
(9) Thirty-five miles per hour on through highways, except	145
state routes, that are outside municipal corporations and that	146
are within a national park with boundaries extending through two	147
or more counties;	148
(10) Sixty miles per hour on two-lane state routes outside	149
municipal corporations as established by the director under	150
division (H) (2) of this section;	151
(11) Fifty-five miles per hour at all times on freeways	152
with paved shoulders inside municipal corporations, other than	153
freeways as provided in divisions (B) (15) and (17) of this	154
section;	155
(12) Fifty-five miles per hour at all times on freeways	156
outside municipal corporations, other than freeways as provided	157
in divisions (B) (15) and (17) of this section;	158
(13) Sixty miles per hour for operators of any motor	159
vehicle at all times on all portions of rural divided highways;	160
(14) Sixty-five miles per hour for operators of any motor	161
vehicle at all times on all rural expressways without traffic	162
control signals;	163

(15) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways;	164 165
(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;	166 167 168 169 170
(17) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the director and that are part of the interstate system and are part of an interstate freeway outerbelt.	171 172 173 174 175
(C) <u>(1)</u> It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B) (1) (a), (2), (3), (4), (6), (7), (8), and (9) of this section, or any declared or established pursuant to this section by the director or local authorities and it .	176 177 178 179 180
<u>(2)</u> It is unlawful for any person to exceed any of the speed limitations in division (D) of this section.	181 182
<u>(3)</u> No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.	183 184 185 186
(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:	187 188
(1) At a speed exceeding fifty-five miles per hour, except upon a two-lane state route as provided in division (B) (10) of this section and upon a highway, expressway, or freeway as provided in divisions (B) (13), (14), (15), and (17) of this	189 190 191 192

section;	193
(2) At a speed exceeding sixty miles per hour upon a two-lane state route as provided in division (B) (10) of this section and upon a highway as provided in division (B) (13) of this section;	194 195 196 197
(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in division (B) (14) or upon a freeway as provided in division (B) (17) of this section, except upon a freeway as provided in division (B) (15) of this section;	198 199 200 201
(4) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B) (15) of this section;	202 203
(5) At a speed exceeding the posted speed limit upon a highway, expressway, or freeway for which the director has determined and declared a speed limit pursuant to division (I) (2) or (L) (2) of this section.	204 205 206 207
(E) <u>A speed limitation established under division (B) or (D) of this section, or a speed limitation established or declared pursuant to this section by the director or by a local authority, is effective beginning at a reasonable distance from the location where the sign giving notice of the speed limitation is erected. The limitation continues in effect until a reasonable distance from the location where a sign establishing a different speed limitation is lawfully erected.</u>	208 209 210 211 212 213 214 215
(F) (1) <u>In every charge of a violation of this section, the affidavit and warrant shall specify the all of the following:</u>	216 217
(a) <u>The time, of the alleged violation;</u>	218
(b) <u>The place, and of the alleged violation;</u>	219
(c) <u>The speed at which the defendant is alleged to have</u>	220

driven, and in charges made in reliance upon division (C) of 221
~~this section also the~~ except for violations of division (A) of 222
this section; 223

(d) The speed which division (B) (1) (a), (2), (3), (4), 224
~~(6), (7), (8), or (9) of, or a limit declared or established~~ 225
pursuant to, this section ~~declares is prima facie lawful~~ at the 226
time and place of ~~such~~ the alleged violation, ~~except that in~~ 227
~~affidavits where a person is alleged to have driven at a greater~~ 228
~~speed than will permit the person to bring the vehicle to a stop~~ 229
~~within the assured clear distance ahead the affidavit and~~ 230
~~warrant need not specify the speed at which the defendant is~~ 231
~~alleged to have driven.~~ 232

~~(F)~~ (2) Violations of more than one provision of this 233
section may be charged as alternative violations in a single 234
affidavit. 235

(3) (a) When a speed in excess of both a prima-facie 236
limitation and a limitation in division (D) of this section is 237
alleged, the defendant ~~shall~~ may be charged in a single 238
affidavit, alleging a single act, with a violation indicated of 239
both division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of 240
this section, or of a limit declared or established pursuant to 241
this section by the director or local authorities, and of the 242
limitation in division (D) of this section. 243

(b) If the court finds a violation of division (B) (1) (a), 244
(2), (3), (4), (6), (7), (8), or (9) of this section or a limit 245
declared or established pursuant to ~~this section~~ has occurred, 246
then it shall enter a judgment of conviction under such division 247
and dismiss the charge under division (D) of this section. 248

(c) If it finds no violation of division (B) (1) (a), (2), 249

(3), (4), (6), (7), (8), or (9) of this section or a limit 250
declared or established pursuant to this section, then it shall 251
~~then~~ consider whether the evidence supports a conviction under 252
division (D) of this section. 253

(G) Points shall be assessed for violation of a limitation 254
under division (D) of this section in accordance with section 255
4510.036 of the Revised Code. 256

(H) (1) Whenever the director determines upon the basis of 257
a geometric and traffic characteristic study that any speed 258
limit set forth in divisions (B) (1) (a) to (D) of this section is 259
greater or less than is reasonable or safe under the conditions 260
found to exist at any portion of a street or highway under the 261
jurisdiction of the director, the director shall determine and 262
declare a reasonable and safe prima-facie speed limit, which 263
shall be effective when appropriate signs giving notice of it 264
are erected at the location. 265

(2) Whenever the director determines upon the basis of a 266
geometric and traffic characteristic study that the speed limit 267
of fifty-five miles per hour on a two-lane state route outside a 268
municipal corporation is less than is reasonable or safe under 269
the conditions found to exist at that portion of the state 270
route, the director may determine and declare a speed limit of 271
sixty miles per hour for that portion of the state route, which 272
shall be effective when appropriate signs giving notice of it 273
are erected at the location. 274

(I) (1) Except as provided in divisions (I) (2) and (K) of 275
this section, whenever local authorities determine upon the 276
basis of an engineering and traffic investigation that the speed 277
permitted by divisions (B) (1) (a) to (D) of this section, on any 278
part of a highway under their jurisdiction, is greater than is 279

reasonable and safe under the conditions found to exist at such 280
location, the local authorities may by resolution request the 281
director to determine and declare a reasonable and safe prima- 282
facie speed limit. Upon receipt of such request the director may 283
determine and declare a reasonable and safe prima-facie speed 284
limit at such location, and if the director does so, then such 285
declared speed limit shall become effective only when 286
appropriate signs giving notice thereof are erected at such 287
location by the local authorities. The director may withdraw the 288
declaration of a prima-facie speed limit whenever in the 289
director's opinion the altered prima-facie speed becomes 290
unreasonable. Upon such withdrawal, the declared prima-facie 291
speed shall become ineffective and the signs relating thereto 292
shall be immediately removed by the local authorities. 293

(2) A local authority may determine on the basis of a 294
geometric and traffic characteristic study that the speed limit 295
of sixty-five miles per hour on a portion of a freeway under its 296
jurisdiction that was established through the operation of 297
division (L) (3) of this section is greater than is reasonable or 298
safe under the conditions found to exist at that portion of the 299
freeway. If the local authority makes such a determination, the 300
local authority by resolution may request the director to 301
determine and declare a reasonable and safe speed limit of not 302
less than fifty-five miles per hour for that portion of the 303
freeway. If the director takes such action, the declared speed 304
limit becomes effective only when appropriate signs giving 305
notice of it are erected at such location by the local 306
authority. 307

(J) Local authorities in their respective jurisdictions 308
may authorize by ordinance higher prima-facie speeds than those 309
stated in this section upon through highways, or upon highways 310

or portions thereof where there are no intersections, or between 311
widely spaced intersections, provided signs are erected giving 312
notice of the authorized speed, but local authorities shall not 313
modify or alter the basic rule set forth in division (A) of this 314
section or in any event authorize by ordinance a speed in excess 315
of fifty miles per hour. 316

Alteration of prima-facie limits on state routes by local 317
authorities shall not be effective until the alteration has been 318
approved by the director. The director may withdraw approval of 319
any altered prima-facie speed limits whenever in the director's 320
opinion any altered prima-facie speed becomes unreasonable, and 321
upon such withdrawal, the altered prima-facie speed shall become 322
ineffective and the signs relating thereto shall be immediately 323
removed by the local authorities. 324

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 325
this section, "unimproved highway" means a highway consisting of 326
any of the following: 327

(a) Unimproved earth; 328

(b) Unimproved graded and drained earth; 329

(c) Gravel. 330

(2) Except as otherwise provided in divisions (K) (4) and 331
(5) of this section, whenever a board of township trustees 332
determines upon the basis of an engineering and traffic 333
investigation that the speed permitted by division (B) (5) of 334
this section on any part of an unimproved highway under its 335
jurisdiction and in the unincorporated territory of the township 336
is greater than is reasonable or safe under the conditions found 337
to exist at the location, the board may by resolution declare a 338
reasonable and safe prima-facie speed limit of fifty-five but 339

not less than twenty-five miles per hour. An altered speed limit 340
adopted by a board of township trustees under this division 341
becomes effective when appropriate traffic control devices, as 342
prescribed in section 4511.11 of the Revised Code, giving notice 343
thereof are erected at the location, which shall be no sooner 344
than sixty days after adoption of the resolution. 345

(3) (a) Whenever, in the opinion of a board of township 346
trustees, any altered prima-facie speed limit established by the 347
board under this division becomes unreasonable, the board may 348
adopt a resolution withdrawing the altered prima-facie speed 349
limit. Upon the adoption of such a resolution, the altered 350
prima-facie speed limit becomes ineffective and the traffic 351
control devices relating thereto shall be immediately removed. 352

(b) Whenever a highway ceases to be an unimproved highway 353
and the board has adopted an altered prima-facie speed limit 354
pursuant to division (K) (2) of this section, the board shall, by 355
resolution, withdraw the altered prima-facie speed limit as soon 356
as the highway ceases to be unimproved. Upon the adoption of 357
such a resolution, the altered prima-facie speed limit becomes 358
ineffective and the traffic control devices relating thereto 359
shall be immediately removed. 360

(4) (a) If the boundary of two townships rests on the 361
centerline of an unimproved highway in unincorporated territory 362
and both townships have jurisdiction over the highway, neither 363
of the boards of township trustees of such townships may declare 364
an altered prima-facie speed limit pursuant to division (K) (2) 365
of this section on the part of the highway under their joint 366
jurisdiction unless the boards of township trustees of both of 367
the townships determine, upon the basis of an engineering and 368
traffic investigation, that the speed permitted by division (B) 369

(5) of this section is greater than is reasonable or safe under 370
the conditions found to exist at the location and both boards 371
agree upon a reasonable and safe prima-facie speed limit of less 372
than fifty-five but not less than twenty-five miles per hour for 373
that location. If both boards so agree, each shall follow the 374
procedure specified in division (K) (2) of this section for 375
altering the prima-facie speed limit on the highway. Except as 376
otherwise provided in division (K) (4) (b) of this section, no 377
speed limit altered pursuant to division (K) (4) (a) of this 378
section may be withdrawn unless the boards of township trustees 379
of both townships determine that the altered prima-facie speed 380
limit previously adopted becomes unreasonable and each board 381
adopts a resolution withdrawing the altered prima-facie speed 382
limit pursuant to the procedure specified in division (K) (3) (a) 383
of this section. 384

(b) Whenever a highway described in division (K) (4) (a) of 385
this section ceases to be an unimproved highway and two boards 386
of township trustees have adopted an altered prima-facie speed 387
limit pursuant to division (K) (4) (a) of this section, both 388
boards shall, by resolution, withdraw the altered prima-facie 389
speed limit as soon as the highway ceases to be unimproved. Upon 390
the adoption of the resolution, the altered prima-facie speed 391
limit becomes ineffective and the traffic control devices 392
relating thereto shall be immediately removed. 393

(5) As used in division (K) (5) of this section: 394

(a) "Commercial subdivision" means any platted territory 395
outside the limits of a municipal corporation and fronting a 396
highway where, for a distance of three hundred feet or more, the 397
frontage is improved with buildings in use for commercial 398
purposes, or where the entire length of the highway is less than 399

three hundred feet long and the frontage is improved with 400
buildings in use for commercial purposes. 401

(b) "Residential subdivision" means any platted territory 402
outside the limits of a municipal corporation and fronting a 403
highway, where, for a distance of three hundred feet or more, 404
the frontage is improved with residences or residences and 405
buildings in use for business, or where the entire length of the 406
highway is less than three hundred feet long and the frontage is 407
improved with residences or residences and buildings in use for 408
business. 409

Whenever a board of township trustees finds upon the basis 410
of an engineering and traffic investigation that the prima-facie 411
speed permitted by division (B) (5) of this section on any part 412
of a highway under its jurisdiction that is located in a 413
commercial or residential subdivision, except on highways or 414
portions thereof at the entrances to which vehicular traffic 415
from the majority of intersecting highways is required to yield 416
the right-of-way to vehicles on such highways in obedience to 417
stop or yield signs or traffic control signals, is greater than 418
is reasonable and safe under the conditions found to exist at 419
the location, the board may by resolution declare a reasonable 420
and safe prima-facie speed limit of less than fifty-five but not 421
less than twenty-five miles per hour at the location. An altered 422
speed limit adopted by a board of township trustees under this 423
division shall become effective when appropriate signs giving 424
notice thereof are erected at the location by the township. 425
Whenever, in the opinion of a board of township trustees, any 426
altered prima-facie speed limit established by it under this 427
division becomes unreasonable, it may adopt a resolution 428
withdrawing the altered prima-facie speed, and upon such 429
withdrawal, the altered prima-facie speed shall become 430

ineffective, and the signs relating thereto shall be immediately 431
removed by the township. 432

(L) (1) On September 29, 2013, the director of 433
transportation, based upon an engineering study of a highway, 434
expressway, or freeway described in division (B) (13), (14), 435
(15), (16), or (17) of this section, in consultation with the 436
director of public safety and, if applicable, the local 437
authority having jurisdiction over the studied highway, 438
expressway, or freeway, may determine and declare that the speed 439
limit established on such highway, expressway, or freeway under 440
division (B) (13), (14), (15), (16), or (17) of this section 441
either is reasonable and safe or is more or less than that which 442
is reasonable and safe. 443

(2) If the established speed limit for a highway, 444
expressway, or freeway studied pursuant to division (L) (1) of 445
this section is determined to be more or less than that which is 446
reasonable and safe, the director of transportation, in 447
consultation with the director of public safety and, if 448
applicable, the local authority having jurisdiction over the 449
studied highway, expressway, or freeway, shall determine and 450
declare a reasonable and safe speed limit for that highway, 451
expressway, or freeway. 452

(M) (1) (a) If the boundary of two local authorities rests 453
on the centerline of a highway and both authorities have 454
jurisdiction over the highway, the speed limit for the part of 455
the highway within their joint jurisdiction shall be either one 456
of the following as agreed to by both authorities: 457

(i) Either prima-facie speed limit permitted by division 458
(B) of this section; 459

(ii) An altered speed limit determined and posted in accordance with this section. 460
461

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section. 462
463
464

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of an engineering and traffic investigation, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section. 465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482

(N) The legislative authority of a municipal corporation or township in which a boarding school is located, by resolution or ordinance, may establish a boarding school zone. The legislative authority may alter the speed limit on any street or highway within the boarding school zone and shall specify the hours during which the altered speed limit is in effect. For purposes of determining the boundaries of the boarding school 483
484
485
486
487
488
489

zone, the altered speed limit within the boarding school zone, 490
and the hours the altered speed limit is in effect, the 491
legislative authority shall consult with the administration of 492
the boarding school and with the county engineer or other 493
appropriate engineer, as applicable. A boarding school zone 494
speed limit becomes effective only when appropriate signs giving 495
notice thereof are erected at the appropriate locations. 496

(0) As used in this section: 497

(1) "Interstate system" has the same meaning as in 23 498
U.S.C.A. 101. 499

(2) "Commercial bus" means a motor vehicle designed for 500
carrying more than nine passengers and used for the 501
transportation of persons for compensation. 502

(3) "Noncommercial bus" includes but is not limited to a 503
school bus or a motor vehicle operated solely for the 504
transportation of persons associated with a charitable or 505
nonprofit organization. 506

(4) "Outerbelt" means a portion of a freeway that is part 507
of the interstate system and is located in the outer vicinity of 508
a major municipal corporation or group of municipal 509
corporations, as designated by the director. 510

(5) "Rural" means outside urbanized areas, as designated 511
in accordance with 23 U.S.C. 101, and outside of a business or 512
urban district. 513

(P) (1) A violation of any provision of this section is one 514
of the following: 515

(a) Except as otherwise provided in divisions (P) (1) (b), 516
(1) (c), (2), and (3) of this section, a minor misdemeanor; 517

(b) If, within one year of the offense, the offender 518
previously has been convicted of or pleaded guilty to two 519
violations of any provision of this section or of any provision 520
of a municipal ordinance that is substantially similar to any 521
provision of this section, a misdemeanor of the fourth degree; 522

(c) If, within one year of the offense, the offender 523
previously has been convicted of or pleaded guilty to three or 524
more violations of any provision of this section or of any 525
provision of a municipal ordinance that is substantially similar 526
to any provision of this section, a misdemeanor of the third 527
degree. 528

(2) If the offender has not previously been convicted of 529
or pleaded guilty to a violation of any provision of this 530
section or of any provision of a municipal ordinance that is 531
substantially similar to this section and operated a motor 532
vehicle faster than thirty-five miles an hour in a business 533
district of a municipal corporation, faster than fifty miles an 534
hour in other portions of a municipal corporation, or faster 535
than thirty-five miles an hour in a school zone during recess or 536
while children are going to or leaving school during the 537
school's opening or closing hours, a misdemeanor of the fourth 538
degree. 539

(3) Notwithstanding division (P)(1) of this section, if 540
the offender operated a motor vehicle in a construction zone 541
where a sign was then posted in accordance with section 4511.98 542
of the Revised Code, the court, in addition to all other 543
penalties provided by law, shall impose upon the offender a fine 544
of two times the usual amount imposed for the violation. No 545
court shall impose a fine of two times the usual amount imposed 546
for the violation upon an offender if the offender alleges, in 547

an affidavit filed with the court prior to the offender's 548
sentencing, that the offender is indigent and is unable to pay 549
the fine imposed pursuant to this division and if the court 550
determines that the offender is an indigent person and unable to 551
pay the fine. 552

Section 2. That existing section 4511.21 of the Revised 553
Code is hereby repealed. 554