

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 111

Senator Tavares

Cosponsors: Senators Thomas, Yuko, Skindell, Williams

A BILL

To amend section 4511.21 of the Revised Code to
require school zones to be indicated by signs
equipped with flashing or other lights or that
indicate the times during which the restrictive
speed limit is enforced, and to make an
appropriation.

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

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

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

(B) It is prima-facie lawful, in the absence of a lower
limit declared or established pursuant to this section by the

director of transportation or local authorities, for the 19
operator of a motor vehicle, trackless trolley, or streetcar to 20
operate the same at a speed not exceeding the following: 21

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

The beginning of a school zone shall be indicated marked 36
either by signs a sign equipped with flashing or other lights, 37
that indicate that the school zone speed limit is in effect or 38
giving other special by a sign that gives notice of the hours in 39
which the school zone speedlimit is in effect. Signs equipped 40
with flashing or other lights shall be activated by a time clock 41
or other automatic device, or manually activated. The director 42
of transportation shall establish adequate standards governing 43
the use of flashing or other lights to indicate a school zone 44
and the use of signs giving notice of the hours in which a 45
school zone speed limit is in effect. The end of every school 46
zone shall be marked by a sign indicating the end of the zone. 47

(b) As used in this section and in section 4511.212 of the 48

Revised Code, "school" means any school chartered under section 49
3301.16 of the Revised Code and any nonchartered school that 50
during the preceding year filed with the department of education 51
in compliance with rule 3301-35-08 of the Ohio Administrative 52
Code, a copy of the school's report for the parents of the 53
school's pupils certifying that the school meets Ohio minimum 54
standards for nonchartered, nontax-supported schools and 55
presents evidence of this filing to the jurisdiction from which 56
it is requesting the establishment of a school zone. "School" 57
also includes a special elementary school that in writing 58
requests the county engineer of the county in which the special 59
elementary school is located to create a school zone at the 60
location of that school. Upon receipt of such a written request, 61
the county engineer shall create a school zone at that location 62
by erecting the appropriate signs. 63

(c) As used in this section, "school zone" means that 64
portion of a street or highway passing a school fronting upon 65
the street or highway that is encompassed by projecting the 66
school property lines to the fronting street or highway, and 67
also includes that portion of a state highway. Upon request from 68
local authorities for streets and highways under their 69
jurisdiction and that portion of a state highway under the 70
jurisdiction of the director of transportation or a request from 71
a county engineer in the case of a school zone for a special 72
elementary school, the director may extend the traditional 73
school zone boundaries. The distances in divisions (B) (1) (c) (i), 74
(ii), and (iii) of this section shall not exceed three hundred 75
feet per approach per direction and are bounded by whichever of 76
the following distances or combinations thereof the director 77
approves as most appropriate: 78

(i) The distance encompassed by projecting the school 79

building lines normal to the fronting highway and extending a 80
distance of three hundred feet on each approach direction; 81

(ii) The distance encompassed by projecting the school 82
property lines intersecting the fronting highway and extending a 83
distance of three hundred feet on each approach direction; 84

(iii) The distance encompassed by the special marking of 85
the pavement for a principal school pupil crosswalk plus a 86
distance of three hundred feet on each approach direction of the 87
highway. 88

Nothing in this section shall be construed to invalidate 89
the director's initial action on August 9, 1976, establishing 90
all school zones at the traditional school zone boundaries 91
defined by projecting school property lines, except when those 92
boundaries are extended as provided in divisions (B) (1) (a) and 93
(c) of this section. 94

(d) As used in this division, "crosswalk" has the meaning 95
given that term in division (LL) (2) of section 4511.01 of the 96
Revised Code. 97

The director may, upon request by resolution of the 98
legislative authority of a municipal corporation, the board of 99
trustees of a township, or a county board of developmental 100
disabilities created pursuant to Chapter 5126. of the Revised 101
Code, and upon submission by the municipal corporation, 102
township, or county board of such engineering, traffic, and 103
other information as the director considers necessary, designate 104
a school zone on any portion of a state route lying within the 105
municipal corporation, lying within the unincorporated territory 106
of the township, or lying adjacent to the property of a school 107
that is operated by such county board, that includes a crosswalk 108

customarily used by children going to or leaving a school during 109
recess and opening and closing hours, whenever the distance, as 110
measured in a straight line, from the school property line 111
nearest the crosswalk to the nearest point of the crosswalk is 112
no more than one thousand three hundred twenty feet. Such a 113
school zone shall include the distance encompassed by the 114
crosswalk and extending three hundred feet on each approach 115
direction of the state route. 116

(e) As used in this section, "special elementary school" 117
means a school that meets all of the following criteria: 118

(i) It is not chartered and does not receive tax revenue 119
from any source. 120

(ii) It does not educate children beyond the eighth grade. 121

(iii) It is located outside the limits of a municipal 122
corporation. 123

(iv) A majority of the total number of students enrolled 124
at the school are not related by blood. 125

(v) The principal or other person in charge of the special 126
elementary school annually sends a report to the superintendent 127
of the school district in which the special elementary school is 128
located indicating the total number of students enrolled at the 129
school, but otherwise the principal or other person in charge 130
does not report any other information or data to the 131
superintendent. 132

(2) Twenty-five miles per hour in all other portions of a 133
municipal corporation, except on state routes outside business 134
districts, through highways outside business districts, and 135
alleys; 136

(3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B) (4) and (6) of this section;	137 138 139 140
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;	141 142
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B) (8) of this section, highways as provided in divisions (B) (9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B) (13), (14), (15), and (17) of this section;	143 144 145 146 147 148
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	149 150 151
(7) Fifteen miles per hour on all alleys within the municipal corporation;	152 153
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	154 155
(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;	156 157 158 159
(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;	160 161 162
(11) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than	163 164

freeways as provided in divisions (B) (15) and (17) of this section;	165 166
(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;	167 168 169
(13) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;	170 171
(14) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;	172 173 174
(15) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways;	175 176
(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;	177 178 179 180 181
(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.	182 183 184 185 186
(C) 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 is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section	187 188 189 190 191 192 193

for the same conduct, although violations of more than one 194
provision of this section may be charged in the alternative in a 195
single affidavit. 196

(D) No person shall operate a motor vehicle, trackless 197
trolley, or streetcar upon a street or highway as follows: 198

(1) At a speed exceeding fifty-five miles per hour, except 199
upon a two-lane state route as provided in division (B) (10) of 200
this section and upon a highway, expressway, or freeway as 201
provided in divisions (B) (13), (14), (15), and (17) of this 202
section; 203

(2) At a speed exceeding sixty miles per hour upon a two- 204
lane state route as provided in division (B) (10) of this section 205
and upon a highway as provided in division (B) (13) of this 206
section; 207

(3) At a speed exceeding sixty-five miles per hour upon an 208
expressway as provided in division (B) (14) or upon a freeway as 209
provided in division (B) (17) of this section, except upon a 210
freeway as provided in division (B) (15) of this section; 211

(4) At a speed exceeding seventy miles per hour upon a 212
freeway as provided in division (B) (15) of this section; 213

(5) At a speed exceeding the posted speed limit upon a 214
highway, expressway, or freeway for which the director has 215
determined and declared a speed limit pursuant to division (I) 216
(2) or (L) (2) of this section. 217

(E) In every charge of violation of this section the 218
affidavit and warrant shall specify the time, place, and speed 219
at which the defendant is alleged to have driven, and in charges 220
made in reliance upon division (C) of this section also the 221
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or 222

(9) of, or a limit declared or established pursuant to, this 223
section declares is prima-facie lawful at the time and place of 224
such alleged violation, except that in affidavits where a person 225
is alleged to have driven at a greater speed than will permit 226
the person to bring the vehicle to a stop within the assured 227
clear distance ahead the affidavit and warrant need not specify 228
the speed at which the defendant is alleged to have driven. 229

(F) When a speed in excess of both a prima-facie 230
limitation and a limitation in division (D) of this section is 231
alleged, the defendant shall be charged in a single affidavit, 232
alleging a single act, with a violation indicated of both 233
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 234
section, or of a limit declared or established pursuant to this 235
section by the director or local authorities, and of the 236
limitation in division (D) of this section. If the court finds a 237
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 238
or (9) of, or a limit declared or established pursuant to, this 239
section has occurred, it shall enter a judgment of conviction 240
under such division and dismiss the charge under division (D) of 241
this section. If it finds no violation of division (B) (1) (a), 242
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 243
established pursuant to, this section, it shall then consider 244
whether the evidence supports a conviction under division (D) of 245
this section. 246

(G) Points shall be assessed for violation of a limitation 247
under division (D) of this section in accordance with section 248
4510.036 of the Revised Code. 249

(H) (1) Whenever the director determines upon the basis of 250
a geometric and traffic characteristic study that any speed 251
limit set forth in divisions (B) (1) (a) to (D) of this section is 252

greater or less than is reasonable or safe under the conditions 253
found to exist at any portion of a street or highway under the 254
jurisdiction of the director, the director shall determine and 255
declare a reasonable and safe prima-facie speed limit, which 256
shall be effective when appropriate signs giving notice of it 257
are erected at the location. 258

(2) Whenever the director determines upon the basis of a 259
geometric and traffic characteristic study that the speed limit 260
of fifty-five miles per hour on a two-lane state route outside a 261
municipal corporation is less than is reasonable or safe under 262
the conditions found to exist at that portion of the state 263
route, the director may determine and declare a speed limit of 264
sixty miles per hour for that portion of the state route, which 265
shall be effective when appropriate signs giving notice of it 266
are erected at the location. 267

(I) (1) Except as provided in divisions (I) (2) and (K) of 268
this section, whenever local authorities determine upon the 269
basis of an engineering and traffic investigation that the speed 270
permitted by divisions (B) (1) (a) to (D) of this section, on any 271
part of a highway under their jurisdiction, is greater than is 272
reasonable and safe under the conditions found to exist at such 273
location, the local authorities may by resolution request the 274
director to determine and declare a reasonable and safe prima- 275
facie speed limit. Upon receipt of such request the director may 276
determine and declare a reasonable and safe prima-facie speed 277
limit at such location, and if the director does so, then such 278
declared speed limit shall become effective only when 279
appropriate signs giving notice thereof are erected at such 280
location by the local authorities. The director may withdraw the 281
declaration of a prima-facie speed limit whenever in the 282
director's opinion the altered prima-facie speed becomes 283

unreasonable. Upon such withdrawal, the declared prima-facie 284
speed shall become ineffective and the signs relating thereto 285
shall be immediately removed by the local authorities. 286

(2) A local authority may determine on the basis of a 287
geometric and traffic characteristic study that the speed limit 288
of sixty-five miles per hour on a portion of a freeway under its 289
jurisdiction that was established through the operation of 290
division (L) (3) of this section is greater than is reasonable or 291
safe under the conditions found to exist at that portion of the 292
freeway. If the local authority makes such a determination, the 293
local authority by resolution may request the director to 294
determine and declare a reasonable and safe speed limit of not 295
less than fifty-five miles per hour for that portion of the 296
freeway. If the director takes such action, the declared speed 297
limit becomes effective only when appropriate signs giving 298
notice of it are erected at such location by the local 299
authority. 300

(J) Local authorities in their respective jurisdictions 301
may authorize by ordinance higher prima-facie speeds than those 302
stated in this section upon through highways, or upon highways 303
or portions thereof where there are no intersections, or between 304
widely spaced intersections, provided signs are erected giving 305
notice of the authorized speed, but local authorities shall not 306
modify or alter the basic rule set forth in division (A) of this 307
section or in any event authorize by ordinance a speed in excess 308
of fifty miles per hour. 309

Alteration of prima-facie limits on state routes by local 310
authorities shall not be effective until the alteration has been 311
approved by the director. The director may withdraw approval of 312
any altered prima-facie speed limits whenever in the director's 313

opinion any altered prima-facie speed becomes unreasonable, and 314
upon such withdrawal, the altered prima-facie speed shall become 315
ineffective and the signs relating thereto shall be immediately 316
removed by the local authorities. 317

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 318
this section, "unimproved highway" means a highway consisting of 319
any of the following: 320

(a) Unimproved earth; 321

(b) Unimproved graded and drained earth; 322

(c) Gravel. 323

(2) Except as otherwise provided in divisions (K) (4) and 324
(5) of this section, whenever a board of township trustees 325
determines upon the basis of an engineering and traffic 326
investigation that the speed permitted by division (B) (5) of 327
this section on any part of an unimproved highway under its 328
jurisdiction and in the unincorporated territory of the township 329
is greater than is reasonable or safe under the conditions found 330
to exist at the location, the board may by resolution declare a 331
reasonable and safe prima-facie speed limit of fifty-five but 332
not less than twenty-five miles per hour. An altered speed limit 333
adopted by a board of township trustees under this division 334
becomes effective when appropriate traffic control devices, as 335
prescribed in section 4511.11 of the Revised Code, giving notice 336
thereof are erected at the location, which shall be no sooner 337
than sixty days after adoption of the resolution. 338

(3) (a) Whenever, in the opinion of a board of township 339
trustees, any altered prima-facie speed limit established by the 340
board under this division becomes unreasonable, the board may 341
adopt a resolution withdrawing the altered prima-facie speed 342

limit. Upon the adoption of such a resolution, the altered 343
prima-facie speed limit becomes ineffective and the traffic 344
control devices relating thereto shall be immediately removed. 345

(b) Whenever a highway ceases to be an unimproved highway 346
and the board has adopted an altered prima-facie speed limit 347
pursuant to division (K) (2) of this section, the board shall, by 348
resolution, withdraw the altered prima-facie speed limit as soon 349
as the highway ceases to be unimproved. Upon the adoption of 350
such a resolution, the altered prima-facie speed limit becomes 351
ineffective and the traffic control devices relating thereto 352
shall be immediately removed. 353

(4) (a) If the boundary of two townships rests on the 354
centerline of an unimproved highway in unincorporated territory 355
and both townships have jurisdiction over the highway, neither 356
of the boards of township trustees of such townships may declare 357
an altered prima-facie speed limit pursuant to division (K) (2) 358
of this section on the part of the highway under their joint 359
jurisdiction unless the boards of township trustees of both of 360
the townships determine, upon the basis of an engineering and 361
traffic investigation, that the speed permitted by division (B) 362
(5) of this section is greater than is reasonable or safe under 363
the conditions found to exist at the location and both boards 364
agree upon a reasonable and safe prima-facie speed limit of less 365
than fifty-five but not less than twenty-five miles per hour for 366
that location. If both boards so agree, each shall follow the 367
procedure specified in division (K) (2) of this section for 368
altering the prima-facie speed limit on the highway. Except as 369
otherwise provided in division (K) (4) (b) of this section, no 370
speed limit altered pursuant to division (K) (4) (a) of this 371
section may be withdrawn unless the boards of township trustees 372
of both townships determine that the altered prima-facie speed 373

limit previously adopted becomes unreasonable and each board 374
adopts a resolution withdrawing the altered prima-facie speed 375
limit pursuant to the procedure specified in division (K) (3) (a) 376
of this section. 377

(b) Whenever a highway described in division (K) (4) (a) of 378
this section ceases to be an unimproved highway and two boards 379
of township trustees have adopted an altered prima-facie speed 380
limit pursuant to division (K) (4) (a) of this section, both 381
boards shall, by resolution, withdraw the altered prima-facie 382
speed limit as soon as the highway ceases to be unimproved. Upon 383
the adoption of the resolution, the altered prima-facie speed 384
limit becomes ineffective and the traffic control devices 385
relating thereto shall be immediately removed. 386

(5) As used in division (K) (5) of this section: 387

(a) "Commercial subdivision" means any platted territory 388
outside the limits of a municipal corporation and fronting a 389
highway where, for a distance of three hundred feet or more, the 390
frontage is improved with buildings in use for commercial 391
purposes, or where the entire length of the highway is less than 392
three hundred feet long and the frontage is improved with 393
buildings in use for commercial purposes. 394

(b) "Residential 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, 397
the frontage is improved with residences or residences and 398
buildings in use for business, or where the entire length of the 399
highway is less than three hundred feet long and the frontage is 400
improved with residences or residences and buildings in use for 401
business. 402

Whenever a board of township trustees finds upon the basis 403
of an engineering and traffic investigation that the prima-facie 404
speed permitted by division (B) (5) of this section on any part 405
of a highway under its jurisdiction that is located in a 406
commercial or residential subdivision, except on highways or 407
portions thereof at the entrances to which vehicular traffic 408
from the majority of intersecting highways is required to yield 409
the right-of-way to vehicles on such highways in obedience to 410
stop or yield signs or traffic control signals, is greater than 411
is reasonable and safe under the conditions found to exist at 412
the location, the board may by resolution declare a reasonable 413
and safe prima-facie speed limit of less than fifty-five but not 414
less than twenty-five miles per hour at the location. An altered 415
speed limit adopted by a board of township trustees under this 416
division shall become effective when appropriate signs giving 417
notice thereof are erected at the location by the township. 418
Whenever, in the opinion of a board of township trustees, any 419
altered prima-facie speed limit established by it under this 420
division becomes unreasonable, it may adopt a resolution 421
withdrawing the altered prima-facie speed, and upon such 422
withdrawal, the altered prima-facie speed shall become 423
ineffective, and the signs relating thereto shall be immediately 424
removed by the township. 425

(L) (1) On September 29, 2013, the director of 426
transportation, based upon an engineering study of a highway, 427
expressway, or freeway described in division (B) (13), (14), 428
(15), (16), or (17) of this section, in consultation with the 429
director of public safety and, if applicable, the local 430
authority having jurisdiction over the studied highway, 431
expressway, or freeway, may determine and declare that the speed 432
limit established on such highway, expressway, or freeway under 433

division (B) (13), (14), (15), (16), or (17) of this section 434
either is reasonable and safe or is more or less than that which 435
is reasonable and safe. 436

(2) If the established speed limit for a highway, 437
expressway, or freeway studied pursuant to division (L) (1) of 438
this section is determined to be more or less than that which is 439
reasonable and safe, the director of transportation, in 440
consultation with the director of public safety and, if 441
applicable, the local authority having jurisdiction over the 442
studied highway, expressway, or freeway, shall determine and 443
declare a reasonable and safe speed limit for that highway, 444
expressway, or freeway. 445

(M) (1) (a) If the boundary of two local authorities rests 446
on the centerline of a highway and both authorities have 447
jurisdiction over the highway, the speed limit for the part of 448
the highway within their joint jurisdiction shall be either one 449
of the following as agreed to by both authorities: 450

(i) Either prima-facie speed limit permitted by division 451
(B) of this section; 452

(ii) An altered speed limit determined and posted in 453
accordance with this section. 454

(b) If the local authorities are unable to reach an 455
agreement, the speed limit shall remain as established and 456
posted under this section. 457

(2) Neither local authority may declare an altered prima- 458
facie speed limit pursuant to this section on the part of the 459
highway under their joint jurisdiction unless both of the local 460
authorities determine, upon the basis of an engineering and 461
traffic investigation, that the speed permitted by this section 462

is greater than is reasonable or safe under the conditions found 463
to exist at the location and both authorities agree upon a 464
uniform reasonable and safe prima-facie speed limit of less than 465
fifty-five but not less than twenty-five miles per hour for that 466
location. If both authorities so agree, each shall follow the 467
procedure specified in this section for altering the prima-facie 468
speed limit on the highway, and the speed limit for the part of 469
the highway within their joint jurisdiction shall be uniformly 470
altered. No altered speed limit may be withdrawn unless both 471
local authorities determine that the altered prima-facie speed 472
limit previously adopted becomes unreasonable and each adopts a 473
resolution withdrawing the altered prima-facie speed limit 474
pursuant to the procedure specified in this section. 475

(N) The legislative authority of a municipal corporation 476
or township in which a boarding school is located, by resolution 477
or ordinance, may establish a boarding school zone. The 478
legislative authority may alter the speed limit on any street or 479
highway within the boarding school zone and shall specify the 480
hours during which the altered speed limit is in effect. For 481
purposes of determining the boundaries of the boarding school 482
zone, the altered speed limit within the boarding school zone, 483
and the hours the altered speed limit is in effect, the 484
legislative authority shall consult with the administration of 485
the boarding school and with the county engineer or other 486
appropriate engineer, as applicable. A boarding school zone 487
speed limit becomes effective only when appropriate signs giving 488
notice thereof are erected at the appropriate locations. 489

(O) As used in this section: 490

(1) "Interstate system" has the same meaning as in 23 491
U.S.C.A. 101. 492

(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 522
or pleaded guilty to a violation of any provision of this 523
section or of any provision of a municipal ordinance that is 524
substantially similar to this section and operated a motor 525
vehicle faster than thirty-five miles an hour in a business 526
district of a municipal corporation, faster than fifty miles an 527
hour in other portions of a municipal corporation, or faster 528
than thirty-five miles an hour in a school zone during recess or 529
while children are going to or leaving school during the 530
school's opening or closing hours, a misdemeanor of the fourth 531
degree. 532

(3) Notwithstanding division (P)(1) of this section, if 533
the offender operated a motor vehicle in a construction zone 534
where a sign was then posted in accordance with section 4511.98 535
of the Revised Code, the court, in addition to all other 536
penalties provided by law, shall impose upon the offender a fine 537
of two times the usual amount imposed for the violation. No 538
court shall impose a fine of two times the usual amount imposed 539
for the violation upon an offender if the offender alleges, in 540
an affidavit filed with the court prior to the offender's 541
sentencing, that the offender is indigent and is unable to pay 542
the fine imposed pursuant to this division and if the court 543
determines that the offender is an indigent person and unable to 544
pay the fine. 545

Section 2. That existing section 4511.21 of the Revised 546
Code is hereby repealed. 547

Section 3. The Department of Transportation shall provide 548
funding for all changes to standards affecting school zone 549
signage or other school zone equipment that the Director of 550
Transportation establishes as a result of this act. On February 551

1, 2017, or as soon as possible thereafter, the Director of	552
Transportation shall identify money in the Highway Operating	553
Fund (Fund 7002) to be used to pay for this purpose, and the	554
identified amount is hereby appropriated in the fiscal year	555
ending June 30, 2017.	556