

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 660

Representative Ingram

A BILL

To amend section 4511.21 of the Revised Code to 1
permit a municipal corporation, when proposing 2
to alter a statutorily prescribed speed limit, 3
to utilize the county engineer to conduct the 4
required traffic engineering study. 5

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

Section 1. That section 4511.21 of the Revised Code be 6
amended to read as follows: 7

Sec. 4511.21. (A) No person shall operate a motor vehicle, 8
trackless trolley, or streetcar at a speed greater or less than 9
is reasonable or proper, having due regard to the traffic, 10
surface, and width of the street or highway and any other 11
conditions, and no person shall drive any motor vehicle, 12
trackless trolley, or streetcar in and upon any street or 13
highway at a greater speed than will permit the person to bring 14
it to a stop within the assured clear distance ahead. 15

(B) It is prima-facie lawful, in the absence of a lower 16
limit declared or established pursuant to this section by the 17
director of transportation or local authorities, for the 18
operator of a motor vehicle, trackless trolley, or streetcar to 19

operate the same at a speed not exceeding the following: 20

(1) (a) Twenty miles per hour in school zones during school 21
recess and while children are going to or leaving school during 22
the opening or closing hours, and when twenty miles per hour 23
school speed limit signs are erected; except that, on 24
controlled-access highways and expressways, if the right-of-way 25
line fence has been erected without pedestrian opening, the 26
speed shall be governed by division (B) (4) of this section and 27
on freeways, if the right-of-way line fence has been erected 28
without pedestrian opening, the speed shall be governed by 29
divisions (B) (10) and (11) of this section. The end of every 30
school zone may be marked by a sign indicating the end of the 31
zone. Nothing in this section or in the manual and 32
specifications for a uniform system of traffic control devices 33
shall be construed to require school zones to be indicated by 34
signs equipped with flashing or other lights, or giving other 35
special notice of the hours in which the school zone speed limit 36
is in effect. 37

(b) As used in this section and in section 4511.212 of the 38
Revised Code, "school" means all of the following: 39

(i) Any school chartered under section 3301.16 of the 40
Revised Code; 41

(ii) Any nonchartered school that during the preceding 42
year filed with the department of education in compliance with 43
rule 3301-35-08 of the Ohio Administrative Code, a copy of the 44
school's report for the parents of the school's pupils 45
certifying that the school meets Ohio minimum standards for 46
nonchartered, nontax-supported schools and presents evidence of 47
this filing to the jurisdiction from which it is requesting the 48
establishment of a school zone; 49

(iii) Any special elementary school that in writing 50
requests the county engineer of the county in which the special 51
elementary school is located to create a school zone at the 52
location of that school. Upon receipt of such a written request, 53
the county engineer shall create a school zone at that location 54
by erecting the appropriate signs. 55

(iv) Any preschool education program operated by an 56
educational service center that is located on a street or 57
highway with a speed limit of forty-five miles per hour or more, 58
when the educational service center in writing requests that the 59
county engineer of the county in which the program is located 60
create a school zone at the location of that program. Upon 61
receipt of such a written request, the county engineer shall 62
create a school zone at that location by erecting the 63
appropriate signs. 64

(c) As used in this section, "school zone" means that 65
portion of a street or highway passing a school fronting upon 66
the street or highway that is encompassed by projecting the 67
school property lines to the fronting street or highway, and 68
also includes that portion of a state highway. Upon request from 69
local authorities for streets and highways under their 70
jurisdiction and that portion of a state highway under the 71
jurisdiction of the director of transportation or a request from 72
a county engineer in the case of a school zone for a special 73
elementary school, the director may extend the traditional 74
school zone boundaries. The distances in divisions (B) (1) (c) (i), 75
(ii), and (iii) of this section shall not exceed three hundred 76
feet per approach per direction and are bounded by whichever of 77
the following distances or combinations thereof the director 78
approves as most appropriate: 79

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

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

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

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

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

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 109
customarily used by children going to or leaving a school during 110
recess and opening and closing hours, whenever the distance, as 111
measured in a straight line, from the school property line 112
nearest the crosswalk to the nearest point of the crosswalk is 113
no more than one thousand three hundred twenty feet. Such a 114
school zone shall include the distance encompassed by the 115
crosswalk and extending three hundred feet on each approach 116
direction of the state route. 117

(e) As used in this section, "special elementary school" 118
means a school that meets all of the following criteria: 119

(i) It is not chartered and does not receive tax revenue 120
from any source. 121

(ii) It does not educate children beyond the eighth grade. 122

(iii) It is located outside the limits of a municipal 123
corporation. 124

(iv) A majority of the total number of students enrolled 125
at the school are not related by blood. 126

(v) The principal or other person in charge of the special 127
elementary school annually sends a report to the superintendent 128
of the school district in which the special elementary school is 129
located indicating the total number of students enrolled at the 130
school, but otherwise the principal or other person in charge 131
does not report any other information or data to the 132
superintendent. 133

(2) Twenty-five miles per hour in all other portions of a 134
municipal corporation, except on state routes outside business 135
districts, through highways outside business districts, and 136
alleys; 137

(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;	138 139 140 141
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B) (12), (13), (14), (15), and (16) of this section;	142 143 144
(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) (12), (13), (14), and (16) of this section;	145 146 147 148 149 150
(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;	151 152 153
(7) Fifteen miles per hour on all alleys within the municipal corporation;	154 155
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	156 157
(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;	158 159 160 161
(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;	162 163 164
(11) Fifty-five miles per hour on freeways with paved	165

shoulders inside municipal corporations, other than freeways as	166
provided in divisions (B) (14) and (16) of this section;	167
(12) Sixty miles per hour on rural expressways with	168
traffic control signals and on all portions of rural divided	169
highways, except as provided in divisions (B) (13) and (14) of	170
this section;	171
(13) Sixty-five miles per hour on all rural expressways	172
without traffic control signals;	173
(14) Seventy miles per hour on all rural freeways;	174
(15) Fifty-five miles per hour on all portions of freeways	175
or expressways in congested areas as determined by the director	176
and that are located within a municipal corporation or within an	177
interstate freeway outerbelt, except as provided in division (B)	178
(16) of this section;	179
(16) Sixty-five miles per hour on all portions of freeways	180
or expressways without traffic control signals in urbanized	181
areas.	182
(C) It is prima-facie unlawful for any person to exceed	183
any of the speed limitations in divisions (B) (1) (a), (2), (3),	184
(4), (6), (7), (8), and (9) of this section, or any declared or	185
established pursuant to this section by the director or local	186
authorities and it is unlawful for any person to exceed any of	187
the speed limitations in division (D) of this section. No person	188
shall be convicted of more than one violation of this section	189
for the same conduct, although violations of more than one	190
provision of this section may be charged in the alternative in a	191
single affidavit.	192
(D) No person shall operate a motor vehicle, trackless	193
trolley, or streetcar upon a street or highway as follows:	194

(1) At a speed exceeding fifty-five miles per hour, except 195
upon a two-lane state route as provided in division (B)(10) of 196
this section and upon a highway, expressway, or freeway as 197
provided in divisions (B)(12), (13), (14), and (16) of this 198
section; 199

(2) At a speed exceeding sixty miles per hour upon a two- 200
lane state route as provided in division (B)(10) of this section 201
and upon a highway as provided in division (B)(12) of this 202
section; 203

(3) At a speed exceeding sixty-five miles per hour upon an 204
expressway as provided in division (B)(13) or upon a freeway as 205
provided in division (B)(16) of this section, except upon a 206
freeway as provided in division (B)(14) of this section; 207

(4) At a speed exceeding seventy miles per hour upon a 208
freeway as provided in division (B)(14) of this section; 209

(5) At a speed exceeding the posted speed limit upon a 210
highway, expressway, or freeway for which the director has 211
determined and declared a speed limit pursuant to division (I) 212
(2) or (L)(2) of this section. 213

(E) In every charge of violation of this section the 214
affidavit and warrant shall specify the time, place, and speed 215
at which the defendant is alleged to have driven, and in charges 216
made in reliance upon division (C) of this section also the 217
speed which division (B)(1)(a), (2), (3), (4), (6), (7), (8), or 218
(9) of, or a limit declared or established pursuant to, this 219
section declares is prima-facie lawful at the time and place of 220
such alleged violation, except that in affidavits where a person 221
is alleged to have driven at a greater speed than will permit 222
the person to bring the vehicle to a stop within the assured 223

clear distance ahead the affidavit and warrant need not specify 224
the speed at which the defendant is alleged to have driven. 225

(F) When a speed in excess of both a prima-facie 226
limitation and a limitation in division (D) of this section is 227
alleged, the defendant shall be charged in a single affidavit, 228
alleging a single act, with a violation indicated of both 229
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of this 230
section, or of a limit declared or established pursuant to this 231
section by the director or local authorities, and of the 232
limitation in division (D) of this section. If the court finds a 233
violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), 234
or (9) of, or a limit declared or established pursuant to, this 235
section has occurred, it shall enter a judgment of conviction 236
under such division and dismiss the charge under division (D) of 237
this section. If it finds no violation of division (B)(1)(a), 238
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 239
established pursuant to, this section, it shall then consider 240
whether the evidence supports a conviction under division (D) of 241
this section. 242

(G) Points shall be assessed for violation of a limitation 243
under division (D) of this section in accordance with section 244
4510.036 of the Revised Code. 245

(H)(1) Whenever the director determines upon the basis of 246
criteria established by an engineering study, as defined by the 247
director, that any speed limit set forth in divisions (B)(1)(a) 248
to (D) of this section is greater or less than is reasonable or 249
safe under the conditions found to exist at any portion of a 250
street or highway under the jurisdiction of the director, the 251
director shall determine and declare a reasonable and safe 252
prima-facie speed limit, which shall be effective when 253

appropriate signs giving notice of it are erected at the 254
location. 255

(2) Whenever the director determines upon the basis of 256
criteria established by an engineering study, as defined by the 257
director, that the speed limit of fifty-five miles per hour on a 258
two-lane state route outside a municipal corporation is less 259
than is reasonable or safe under the conditions found to exist 260
at that portion of the state route, the director may determine 261
and declare a speed limit of sixty miles per hour for that 262
portion of the state route, which shall be effective when 263
appropriate signs giving notice of it are erected at the 264
location. 265

(3) (a) For purposes of the safe and orderly movement of 266
traffic upon any portion of a street or highway under the 267
jurisdiction of the director, the director may establish a 268
variable speed limit that is different than the speed limit 269
established by or under this section on all or portions of 270
interstate six hundred seventy, interstate two hundred seventy- 271
five, and interstate ninety commencing at the intersection of 272
that interstate with interstate seventy-one and continuing to 273
the border of the state of Ohio with the state of Pennsylvania. 274
The director shall establish criteria for determining the 275
appropriate use of variable speed limits and shall establish 276
variable speed limits in accordance with the criteria. The 277
director may establish variable speed limits based upon the time 278
of day, weather conditions, traffic incidents, or other factors 279
that affect the safe speed on a street or highway. The director 280
shall not establish a variable speed limit that is based on a 281
particular type or class of vehicle. A variable speed limit 282
established by the director under this section is effective when 283
appropriate signs giving notice of the speed limit are displayed 284

at the location. 285

(b) Except for variable speed limits established under 286
division (H) (3) (a) of this section, the director shall establish 287
a variable speed limit under the authority granted to the 288
director by this section on not more than two additional 289
highways and only pursuant to criteria established in rules 290
adopted in accordance with Chapter 119. of the Revised Code. The 291
rules shall be based on the criteria described in division (H) 292
(3) (a) of this section. The rules also shall establish the 293
parameters of any engineering study necessary for determining 294
when variable speed limits are appropriate. 295

(4) Nothing in this section shall be construed to limit 296
the authority of the director to establish speed limits within a 297
construction zone as authorized under section 4511.98 of the 298
Revised Code. 299

(I) (1) Except as provided in divisions (I) (2), (J), (K), 300
and (N) of this section, whenever local authorities determine 301
upon the basis of criteria established by an engineering study, 302
as defined by the director, that the speed permitted by 303
divisions (B) (1) (a) to (D) of this section, on any part of a 304
highway under their jurisdiction, is greater than is reasonable 305
and safe under the conditions found to exist at such location, 306
the local authorities may by resolution request the director to 307
determine and declare a reasonable and safe prima-facie speed 308
limit. Upon receipt of such request the director may determine 309
and declare a reasonable and safe prima-facie speed limit at 310
such location, and if the director does so, then such declared 311
speed limit shall become effective only when appropriate signs 312
giving notice thereof are erected at such location by the local 313
authorities. The director may withdraw the declaration of a 314

prima-facie speed limit whenever in the director's opinion the 315
altered prima-facie speed limit becomes unreasonable. Upon such 316
withdrawal, the declared prima-facie speed limit shall become 317
ineffective and the signs relating thereto shall be immediately 318
removed by the local authorities. 319

(2) A local authority may determine on the basis of 320
criteria established by an engineering study, as defined by the 321
director, that the speed limit of sixty-five or seventy miles 322
per hour on a portion of a freeway under its jurisdiction is 323
greater than is reasonable or safe under the conditions found to 324
exist at that portion of the freeway. If the local authority 325
makes such a determination, the local authority by resolution 326
may request the director to determine and declare a reasonable 327
and safe speed limit of not less than fifty-five miles per hour 328
for that portion of the freeway. If the director takes such 329
action, the declared speed limit becomes effective only when 330
appropriate signs giving notice of it are erected at such 331
location by the local authority. 332

(3) For purposes of determining a reasonable and safe 333
speed limit under division (I) (1) or (2) of this section, a 334
municipal corporation may request the county engineer to conduct 335
the required engineering study. The director shall base the 336
director's determination to declare a reasonable and safe speed 337
limit on that engineering study. 338

(J) Local authorities in their respective jurisdictions 339
may authorize by ordinance higher prima-facie speeds than those 340
stated in this section upon through highways, or upon highways 341
or portions thereof where there are no intersections, or between 342
widely spaced intersections, provided signs are erected giving 343
notice of the authorized speed, but local authorities shall not 344

modify or alter the basic rule set forth in division (A) of this 345
section or in any event authorize by ordinance a speed in excess 346
of the maximum speed permitted by division (D) of this section 347
for the specified type of highway. 348

Alteration of prima-facie limits on state routes by local 349
authorities shall not be effective until the alteration has been 350
approved by the director. The director may withdraw approval of 351
any altered prima-facie speed limits whenever in the director's 352
opinion any altered prima-facie speed becomes unreasonable, and 353
upon such withdrawal, the altered prima-facie speed shall become 354
ineffective and the signs relating thereto shall be immediately 355
removed by the local authorities. 356

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 357
this section, "unimproved highway" means a highway consisting of 358
any of the following: 359

- (a) Unimproved earth; 360
- (b) Unimproved graded and drained earth; 361
- (c) Gravel. 362

(2) Except as otherwise provided in divisions (K) (4) and 363
(5) of this section, whenever a board of township trustees 364
determines upon the basis of criteria established by an 365
engineering study, as defined by the director, that the speed 366
permitted by division (B) (5) of this section on any part of an 367
unimproved highway under its jurisdiction and in the 368
unincorporated territory of the township is greater than is 369
reasonable or safe under the conditions found to exist at the 370
location, the board may by resolution declare a reasonable and 371
safe prima-facie speed limit of fifty-five but not less than 372
twenty-five miles per hour. An altered speed limit adopted by a 373

board of township trustees under this division becomes effective 374
when appropriate traffic control devices, as prescribed in 375
section 4511.11 of the Revised Code, giving notice thereof are 376
erected at the location, which shall be no sooner than sixty 377
days after adoption of the resolution. 378

(3) (a) Whenever, in the opinion of a board of township 379
trustees, any altered prima-facie speed limit established by the 380
board under this division becomes unreasonable, the board may 381
adopt a resolution withdrawing the altered prima-facie speed 382
limit. Upon the adoption of such a resolution, the altered 383
prima-facie speed limit becomes ineffective and the traffic 384
control devices relating thereto shall be immediately removed. 385

(b) Whenever a highway ceases to be an unimproved highway 386
and the board has adopted an altered prima-facie speed limit 387
pursuant to division (K) (2) of this section, the board shall, by 388
resolution, withdraw the altered prima-facie speed limit as soon 389
as the highway ceases to be unimproved. Upon the adoption of 390
such a resolution, the altered prima-facie speed limit becomes 391
ineffective and the traffic control devices relating thereto 392
shall be immediately removed. 393

(4) (a) If the boundary of two townships rests on the 394
centerline of an unimproved highway in unincorporated territory 395
and both townships have jurisdiction over the highway, neither 396
of the boards of township trustees of such townships may declare 397
an altered prima-facie speed limit pursuant to division (K) (2) 398
of this section on the part of the highway under their joint 399
jurisdiction unless the boards of township trustees of both of 400
the townships determine, upon the basis of criteria established 401
by an engineering study, as defined by the director, that the 402
speed permitted by division (B) (5) of this section is greater 403

than is reasonable or safe under the conditions found to exist 404
at the location and both boards agree upon a reasonable and safe 405
prima-facie speed limit of less than fifty-five but not less 406
than twenty-five miles per hour for that location. If both 407
boards so agree, each shall follow the procedure specified in 408
division (K) (2) of this section for altering the prima-facie 409
speed limit on the highway. Except as otherwise provided in 410
division (K) (4) (b) of this section, no speed limit altered 411
pursuant to division (K) (4) (a) of this section may be withdrawn 412
unless the boards of township trustees of both townships 413
determine that the altered prima-facie speed limit previously 414
adopted becomes unreasonable and each board adopts a resolution 415
withdrawing the altered prima-facie speed limit pursuant to the 416
procedure specified in division (K) (3) (a) of this section. 417

(b) Whenever a highway described in division (K) (4) (a) of 418
this section ceases to be an unimproved highway and two boards 419
of township trustees have adopted an altered prima-facie speed 420
limit pursuant to division (K) (4) (a) of this section, both 421
boards shall, by resolution, withdraw the altered prima-facie 422
speed limit as soon as the highway ceases to be unimproved. Upon 423
the adoption of the resolution, the altered prima-facie speed 424
limit becomes ineffective and the traffic control devices 425
relating thereto shall be immediately removed. 426

(5) As used in division (K) (5) of this section: 427

(a) "Commercial subdivision" means any platted territory 428
outside the limits of a municipal corporation and fronting a 429
highway where, for a distance of three hundred feet or more, the 430
frontage is improved with buildings in use for commercial 431
purposes, or where the entire length of the highway is less than 432
three hundred feet long and the frontage is improved with 433

buildings in use for commercial purposes. 434

(b) "Residential subdivision" means any platted territory 435
outside the limits of a municipal corporation and fronting a 436
highway, where, for a distance of three hundred feet or more, 437
the frontage is improved with residences or residences and 438
buildings in use for business, or where the entire length of the 439
highway is less than three hundred feet long and the frontage is 440
improved with residences or residences and buildings in use for 441
business. 442

Whenever a board of township trustees finds upon the basis 443
of criteria established by an engineering study, as defined by 444
the director, that the prima-facie speed permitted by division 445
(B) (5) of this section on any part of a highway under its 446
jurisdiction that is located in a commercial or residential 447
subdivision, except on highways or portions thereof at the 448
entrances to which vehicular traffic from the majority of 449
intersecting highways is required to yield the right-of-way to 450
vehicles on such highways in obedience to stop or yield signs or 451
traffic control signals, is greater than is reasonable and safe 452
under the conditions found to exist at the location, the board 453
may by resolution declare a reasonable and safe prima-facie 454
speed limit of less than fifty-five but not less than twenty- 455
five miles per hour at the location. An altered speed limit 456
adopted by a board of township trustees under this division 457
shall become effective when appropriate signs giving notice 458
thereof are erected at the location by the township. Whenever, 459
in the opinion of a board of township trustees, any altered 460
prima-facie speed limit established by it under this division 461
becomes unreasonable, it may adopt a resolution withdrawing the 462
altered prima-facie speed, and upon such withdrawal, the altered 463
prima-facie speed shall become ineffective, and the signs 464

relating thereto shall be immediately removed by the township. 465

(L) (1) The director of transportation, based upon an 466
engineering study, as defined by the director, of a highway, 467
expressway, or freeway described in division (B) (12), (13), 468
(14), (15), or (16) of this section, in consultation with the 469
director of public safety and, if applicable, the local 470
authority having jurisdiction over the studied highway, 471
expressway, or freeway, may determine and declare that the speed 472
limit established on such highway, expressway, or freeway under 473
division (B) (12), (13), (14), (15), or (16) of this section 474
either is reasonable and safe or is more or less than that which 475
is reasonable and safe. 476

(2) If the established speed limit for a highway, 477
expressway, or freeway studied pursuant to division (L) (1) of 478
this section is determined to be more or less than that which is 479
reasonable and safe, the director of transportation, in 480
consultation with the director of public safety and, if 481
applicable, the local authority having jurisdiction over the 482
studied highway, expressway, or freeway, shall determine and 483
declare a reasonable and safe speed limit for that highway, 484
expressway, or freeway. 485

(M) (1) (a) If the boundary of two local authorities rests 486
on the centerline of a highway and both authorities have 487
jurisdiction over the highway, the speed limit for the part of 488
the highway within their joint jurisdiction shall be either one 489
of the following as agreed to by both authorities: 490

(i) Either prima-facie speed limit permitted by division 491
(B) of this section; 492

(ii) An altered speed limit determined and posted in 493

accordance with this section. 494

(b) If the local authorities are unable to reach an 495
agreement, the speed limit shall remain as established and 496
posted under this section. 497

(2) Neither local authority may declare an altered prima- 498
facie speed limit pursuant to this section on the part of the 499
highway under their joint jurisdiction unless both of the local 500
authorities determine, upon the basis of criteria established by 501
an engineering study, as defined by the director, that the speed 502
permitted by this section is greater than is reasonable or safe 503
under the conditions found to exist at the location and both 504
authorities agree upon a uniform reasonable and safe prima-facie 505
speed limit of less than fifty-five but not less than twenty- 506
five miles per hour for that location. If both authorities so 507
agree, each shall follow the procedure specified in this section 508
for altering the prima-facie speed limit on the highway, and the 509
speed limit for the part of the highway within their joint 510
jurisdiction shall be uniformly altered. No altered speed limit 511
may be withdrawn unless both local authorities determine that 512
the altered prima-facie speed limit previously adopted becomes 513
unreasonable and each adopts a resolution withdrawing the 514
altered prima-facie speed limit pursuant to the procedure 515
specified in this section. 516

(N) The legislative authority of a municipal corporation 517
or township in which a boarding school is located, by resolution 518
or ordinance, may establish a boarding school zone. The 519
legislative authority may alter the speed limit on any street or 520
highway within the boarding school zone and shall specify the 521
hours during which the altered speed limit is in effect. For 522
purposes of determining the boundaries of the boarding school 523

zone, the altered speed limit within the boarding school zone, 524
and the hours the altered speed limit is in effect, the 525
legislative authority shall consult with the administration of 526
the boarding school and with the county engineer or other 527
appropriate engineer, as applicable. A boarding school zone 528
speed limit becomes effective only when appropriate signs giving 529
notice thereof are erected at the appropriate locations. 530

(0) As used in this section: 531

(1) "Interstate system" has the same meaning as in 23 532
U.S.C. 101. 533

(2) "Commercial bus" means a motor vehicle designed for 534
carrying more than nine passengers and used for the 535
transportation of persons for compensation. 536

(3) "Noncommercial bus" includes but is not limited to a 537
school bus or a motor vehicle operated solely for the 538
transportation of persons associated with a charitable or 539
nonprofit organization. 540

(4) "Outerbelt" means a portion of a freeway that is part 541
of the interstate system and is located in the outer vicinity of 542
a major municipal corporation or group of municipal 543
corporations, as designated by the director. 544

(5) "Rural" means an area outside urbanized areas and 545
outside of a business or urban district, and areas that extend 546
within urbanized areas where the roadway characteristics remain 547
mostly unchanged from those outside the urbanized areas. 548

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 549
101. 550

(7) "Divided" means a roadway having two or more travel 551

lanes for vehicles moving in opposite directions and that is 552
separated by a median of more than four feet, excluding turn 553
lanes. 554

(P) (1) A violation of any provision of this section is one 555
of the following: 556

(a) Except as otherwise provided in divisions (P) (1) (b), 557
(1) (c), (2), and (3) of this section, a minor misdemeanor; 558

(b) If, within one year of the offense, the offender 559
previously has been convicted of or pleaded guilty to two 560
violations of any provision of this section or of any provision 561
of a municipal ordinance that is substantially similar to any 562
provision of this section, a misdemeanor of the fourth degree; 563

(c) If, within one year of the offense, the offender 564
previously has been convicted of or pleaded guilty to three or 565
more violations of any provision of this section or of any 566
provision of a municipal ordinance that is substantially similar 567
to any provision of this section, a misdemeanor of the third 568
degree. 569

(2) If the offender has not previously been convicted of 570
or pleaded guilty to a violation of any provision of this 571
section or of any provision of a municipal ordinance that is 572
substantially similar to this section and operated a motor 573
vehicle faster than thirty-five miles an hour in a business 574
district of a municipal corporation, faster than fifty miles an 575
hour in other portions of a municipal corporation, or faster 576
than thirty-five miles an hour in a school zone during recess or 577
while children are going to or leaving school during the 578
school's opening or closing hours, a misdemeanor of the fourth 579
degree. 580

(3) Notwithstanding division (P)(1) of this section, if 581
the offender operated a motor vehicle in a construction zone 582
where a sign was then posted in accordance with section 4511.98 583
of the Revised Code, the court, in addition to all other 584
penalties provided by law, shall impose upon the offender a fine 585
of two times the usual amount imposed for the violation. No 586
court shall impose a fine of two times the usual amount imposed 587
for the violation upon an offender if the offender alleges, in 588
an affidavit filed with the court prior to the offender's 589
sentencing, that the offender is indigent and is unable to pay 590
the fine imposed pursuant to this division and if the court 591
determines that the offender is an indigent person and unable to 592
pay the fine. 593

(4) If the offender commits the offense while distracted 594
and the distracting activity is a contributing factor to the 595
commission of the offense, the offender is subject to the 596
additional fine established under section 4511.991 of the 597
Revised Code. 598

Section 2. That existing section 4511.21 of the Revised 599
Code is hereby repealed. 600