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136th General Assembly
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Sub. H. B. No. 82

To amend sections 4508.02, 4511.20, 4511.21, 1
4511.98, and 5501.27 of the Revised Code 2
regarding traffic offenses in construction zones 3
and to name this act the Trenton Gallaway Work 4
Zone Safety Act. 5

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

Section 1. That sections 4508.02, 4511.20, 4511.21, 6
4511.98, and 5501.27 of the Revised Code be amended to read as 7
follows: 8

Sec. 4508.02. (A) (1) The director of public safety, 9
subject to Chapter 119. of the Revised Code, shall adopt and 10
prescribe such rules concerning the administration and 11
enforcement of this chapter as are necessary to protect the 12
public. The rules shall require an assessment of the holder of a 13
probationary instructor license. The director shall inspect the 14
school facilities and equipment of applicants and licensees and 15
examine applicants for instructor's licenses. 16

(2) The director shall adopt rules governing online driver 17
education courses that may be completed via the internet to 18
satisfy the classroom instruction under division (C) of this 19



section. The rules shall do all of the following: 20

(a) Establish standards that an online driver training 21
enterprise must satisfy to be licensed to offer an online driver 22
education course via the internet, including, at a minimum, 23
proven expertise in providing driver education and an acceptable 24
infrastructure capable of providing secure online driver 25
education in accord with advances in internet technology. The 26
rules shall allow an online driver training enterprise to be 27
affiliated with a licensed driver training school offering in- 28
person classroom instruction, but shall not require such an 29
affiliation. 30

(b) Establish content requirements that an online driver 31
education course must satisfy to be approved as equivalent to 32
twenty-four hours of in-person classroom instruction; 33

(c) Establish attendance standards, including a maximum 34
number of course hours that may be completed in a twenty-four- 35
hour period; 36

(d) Allow an enrolled applicant to begin the required 37
eight hours of actual behind-the-wheel instruction upon 38
completing all twenty-four hours of course instruction; 39

(e) Establish any other requirements necessary to regulate 40
online driver education. 41

(B) The director shall administer and enforce this 42
chapter. 43

(C) The rules shall require twenty-four hours of completed 44
in-person classroom instruction or the completion of an 45
approved, equivalent online driver education course offered via 46
the internet by a licensed online driver training enterprise, 47
followed by eight hours of actual behind-the-wheel instruction 48

conducted on public streets and highways of this state for all 49
beginning drivers of noncommercial motor vehicles who are 50
required to complete the training under section 4507.21 of the 51
Revised Code. The rules shall allow beginning drivers of 52
noncommercial motor vehicles to complete the driver education 53
course at any point while holding a valid temporary instruction 54
permit. The rules also shall require the classroom instruction 55
or online driver education course for such drivers to include 56
instruction on ~~both~~all of the following: 57

(1) The dangers of driving a motor vehicle while 58
distracted, including while using an electronic wireless 59
communications device, or engaging in any other activity that 60
distracts a driver from the safe and effective operation of a 61
motor vehicle; 62

(2) The dangers of driving a motor vehicle while under the 63
influence of a controlled substance, prescription medication, or 64
alcohol; 65

(3) The dangers of and requirements related to driving a 66
motor vehicle in a construction zone. 67

(D) The rules shall state the minimum hours for classroom 68
and behind-the-wheel instruction required for beginning drivers 69
of commercial trucks, commercial cars, buses, and commercial 70
tractors, trailers, and semitrailers. 71

(E) (1) The department of public safety may charge a fee to 72
each online driver training enterprise in an amount sufficient 73
to pay the actual expenses the department incurs in the 74
regulation of online driver education courses. 75

(2) The department shall supply to each licensed online 76
driver training enterprise certificates to be used for 77

certifying an applicant's enrollment in an approved online 78
driver education course and a separate certificate to be issued 79
upon successful completion of an approved online driver 80
education course. The certificates shall be numbered serially. 81
The department may charge a fee to each online driver training 82
enterprise per certificate supplied to pay the actual expenses 83
the department incurs in supplying the certificates. 84

(F) The director shall adopt rules in accordance with 85
Chapter 119. of the Revised Code governing an abbreviated driver 86
training course for adults. 87

Sec. 4511.20. (A) No person shall operate a vehicle, 88
trackless trolley, or streetcar on any street or highway in 89
willful or wanton disregard of the safety of persons or 90
property. 91

~~(B)~~(B) (1) Except as otherwise provided in this division, 92
whoever violates this section is guilty of a minor misdemeanor. 93
If, within one year of the offense, the offender previously has 94
been convicted of or pleaded guilty to one predicate motor 95
vehicle or traffic offense, whoever violates this section is 96
guilty of a misdemeanor of the fourth degree. If, within one 97
year of the offense, the offender previously has been convicted 98
of two or more predicate motor vehicle or traffic offenses, 99
whoever violates this section is guilty of a misdemeanor of the 100
third degree. 101

(2) (a) Notwithstanding division (B) (1) of this section, if 102
the offender operated the vehicle, trackless trolley, or 103
streetcar while in a construction zone where a sign was then 104
posted in accordance with section 4511.98 of the Revised Code, 105
the court, in addition to all other penalties provided by law, 106
shall impose upon the offender an additional fine of not more 107

than one hundred dollars for the violation. 108

(b) In lieu of payment of the additional fine imposed 109
under division (B) (2) (a) of this section, the offender instead 110
may elect to attend a driving safety course, the duration and 111
contents of which shall be established by the director of public 112
safety. If the offender attends and successfully completes the 113
course, the offender shall be issued written evidence that the 114
offender successfully completed the course. The offender shall 115
be required to pay the total amount of the fine established for 116
the violation but shall not be required to pay the additional 117
fine of not more than one hundred dollars, so long as the 118
offender submits to the court both the offender's payment in 119
full and such written evidence within ninety days of the 120
underlying violation that resulted in the imposition of the 121
additional fine under this section. 122

Sec. 4511.21. (A) No person shall operate a motor vehicle, 123
trackless trolley, or streetcar at a speed greater or less than 124
is reasonable or proper, having due regard to the traffic, 125
surface, and width of the street or highway and any other 126
conditions, and no person shall drive any motor vehicle, 127
trackless trolley, or streetcar in and upon any street or 128
highway at a greater speed than will permit the person to bring 129
it to a stop within the assured clear distance ahead. 130

(B) It is prima-facie lawful, in the absence of a lower 131
limit declared or established pursuant to this section by the 132
director of transportation or local authorities, for the 133
operator of a motor vehicle, trackless trolley, or streetcar to 134
operate the same at a speed not exceeding the following: 135

(1) (a) Twenty miles per hour in school zones during school 136
recess and while children are going to or leaving school during 137

the opening or closing hours, and when twenty miles per hour 138
school speed limit signs are erected; except that, on 139
controlled-access highways and expressways, if the right-of-way 140
line fence has been erected without pedestrian opening, the 141
speed shall be governed by division (B) (4) of this section and 142
on freeways, if the right-of-way line fence has been erected 143
without pedestrian opening, the speed shall be governed by 144
divisions (B) (10) and (11) of this section. The end of every 145
school zone may be marked by a sign indicating the end of the 146
zone. Nothing in this section or in the manual and 147
specifications for a uniform system of traffic control devices 148
shall be construed to require school zones to be indicated by 149
signs equipped with flashing or other lights, or giving other 150
special notice of the hours in which the school zone speed limit 151
is in effect. 152

(b) As used in this section and in section 4511.212 of the 153
Revised Code, "school" means all of the following: 154

(i) Any school chartered under section 3301.16 of the 155
Revised Code; 156

(ii) Any nonchartered school that during the preceding 157
year filed with the department of education and workforce in 158
compliance with rule 3301-35-08 of the Ohio Administrative Code, 159
a copy of the school's report for the parents of the school's 160
pupils certifying that the school meets Ohio minimum standards 161
for nonchartered, nontax-supported schools and presents evidence 162
of this filing to the jurisdiction from which it is requesting 163
the establishment of a school zone; 164

(iii) Any special elementary school that in writing 165
requests the county engineer of the county in which the special 166
elementary school is located to create a school zone at the 167

location of that school. Upon receipt of such a written request, 168
the county engineer shall create a school zone at that location 169
by erecting the appropriate signs. 170

(iv) Any preschool education program operated by an 171
educational service center that is located on a street or 172
highway with a speed limit of forty-five miles per hour or more, 173
when the educational service center in writing requests that 174
either the director of transportation or the county engineer of 175
the county in which the program is located, as applicable based 176
on who has jurisdiction of the street or highway, to create a 177
school zone at the location of that program. Upon receipt of 178
such a written request, the director or the county engineer 179
shall create a school zone at that location by erecting the 180
appropriate signs. 181

(c) As used in this section, "school zone" means that 182
portion of a street or highway passing a school fronting upon 183
the street or highway that is encompassed by projecting the 184
school property lines to the fronting street or highway, and 185
also includes that portion of a state highway. Upon request from 186
local authorities for streets and highways under their 187
jurisdiction and that portion of a state highway under the 188
jurisdiction of the director of transportation or a request from 189
a county engineer in the case of a school zone for a special 190
elementary school, the director may extend the traditional 191
school zone boundaries. The distances in divisions (B) (1) (c) (i), 192
(ii), and (iii) of this section shall not exceed three hundred 193
feet per approach per direction and are bounded by whichever of 194
the following distances or combinations thereof the director 195
approves as most appropriate: 196

(i) The distance encompassed by projecting the school 197

building lines normal to the fronting highway and extending a 198
distance of three hundred feet on each approach direction; 199

(ii) The distance encompassed by projecting the school 200
property lines intersecting the fronting highway and extending a 201
distance of three hundred feet on each approach direction; 202

(iii) The distance encompassed by the special marking of 203
the pavement for a principal school pupil crosswalk plus a 204
distance of three hundred feet on each approach direction of the 205
highway. 206

Nothing in this section shall be construed to invalidate 207
the director's initial action on August 9, 1976, establishing 208
all school zones at the traditional school zone boundaries 209
defined by projecting school property lines, except when those 210
boundaries are extended as provided in divisions (B) (1) (a) and 211
(c) of this section. 212

(d) As used in this division, "crosswalk" has the meaning 213
given that term in division (LL) (2) of section 4511.01 of the 214
Revised Code. 215

The director may, upon request by resolution of the 216
legislative authority of a municipal corporation, the board of 217
trustees of a township, or a county board of developmental 218
disabilities created pursuant to Chapter 5126. of the Revised 219
Code, and upon submission by the municipal corporation, 220
township, or county board of such engineering, traffic, and 221
other information as the director considers necessary, designate 222
a school zone on any portion of a state route lying within the 223
municipal corporation, lying within the unincorporated territory 224
of the township, or lying adjacent to the property of a school 225
that is operated by such county board, that includes a crosswalk 226

customarily used by children going to or leaving a school during 227
recess and opening and closing hours, whenever the distance, as 228
measured in a straight line, from the school property line 229
nearest the crosswalk to the nearest point of the crosswalk is 230
no more than one thousand three hundred twenty feet. Such a 231
school zone shall include the distance encompassed by the 232
crosswalk and extending three hundred feet on each approach 233
direction of the state route. 234

(e) As used in this section, "special elementary school" 235
means a school that meets all of the following criteria: 236

(i) It is not chartered and does not receive tax revenue 237
from any source. 238

(ii) It does not educate children beyond the eighth grade. 239

(iii) It is located outside the limits of a municipal 240
corporation. 241

(iv) A majority of the total number of students enrolled 242
at the school are not related by blood. 243

(v) The principal or other person in charge of the special 244
elementary school annually sends a report to the superintendent 245
of the school district in which the special elementary school is 246
located indicating the total number of students enrolled at the 247
school, but otherwise the principal or other person in charge 248
does not report any other information or data to the 249
superintendent. 250

(2) Twenty-five miles per hour in all other portions of a 251
municipal corporation, except on state routes outside business 252
districts, through highways outside business districts, and 253
alleys; 254

(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;	255 256 257 258
(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;	259 260 261
(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;	262 263 264 265 266 267
(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;	268 269 270
(7) Fifteen miles per hour on all alleys within the municipal corporation;	271 272
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	273 274
(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;	275 276 277 278
(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;	279 280 281
(11) Fifty-five miles per hour on freeways with paved	282

shoulders inside municipal corporations, other than freeways as	283
provided in divisions (B) (14) and (16) of this section;	284
(12) Sixty miles per hour on rural expressways with	285
traffic control signals and on all portions of rural divided	286
highways, except as provided in divisions (B) (13) and (14) of	287
this section;	288
(13) Sixty-five miles per hour on all rural expressways	289
without traffic control signals;	290
(14) Seventy miles per hour on all rural freeways;	291
(15) Fifty-five miles per hour on all portions of freeways	292
or expressways in congested areas as determined by the director	293
and that are located within a municipal corporation or within an	294
interstate freeway outerbelt, except as provided in division (B)	295
(16) of this section;	296
(16) Sixty-five miles per hour on all portions of freeways	297
or expressways without traffic control signals in urbanized	298
areas.	299
(C) It is prima-facie unlawful for any person to exceed	300
any of the speed limitations in divisions (B) (1) (a), (2), (3),	301
(4), (6), (7), (8), and (9) of this section, or any declared or	302
established pursuant to this section by the director or local	303
authorities and it is unlawful for any person to exceed any of	304
the speed limitations in division (D) of this section. No person	305
shall be convicted of more than one violation of this section	306
for the same conduct, although violations of more than one	307
provision of this section may be charged in the alternative in a	308
single affidavit.	309
(D) No person shall operate a motor vehicle, trackless	310
trolley, or streetcar upon a street or highway as follows:	311

(1) At a speed exceeding fifty-five miles per hour, except 312
upon a two-lane state route as provided in division (B)(10) of 313
this section and upon a highway, expressway, or freeway as 314
provided in divisions (B)(12), (13), (14), and (16) of this 315
section; 316

(2) At a speed exceeding sixty miles per hour upon a two- 317
lane state route as provided in division (B)(10) of this section 318
and upon a highway as provided in division (B)(12) of this 319
section; 320

(3) At a speed exceeding sixty-five miles per hour upon an 321
expressway as provided in division (B)(13) or upon a freeway as 322
provided in division (B)(16) of this section, except upon a 323
freeway as provided in division (B)(14) of this section; 324

(4) At a speed exceeding seventy miles per hour upon a 325
freeway as provided in division (B)(14) of this section; 326

(5) At a speed exceeding the posted speed limit upon a 327
highway, expressway, or freeway for which the director has 328
determined and declared a speed limit pursuant to division (I) 329
(2) or (L)(2) of this section. 330

(E) In every charge of violation of this section the 331
affidavit and warrant shall specify the time, place, and speed 332
at which the defendant is alleged to have driven, and in charges 333
made in reliance upon division (C) of this section also the 334
speed which division (B)(1)(a), (2), (3), (4), (6), (7), (8), or 335
(9) of, or a limit declared or established pursuant to, this 336
section declares is prima-facie lawful at the time and place of 337
such alleged violation, except that in affidavits where a person 338
is alleged to have driven at a greater speed than will permit 339
the person to bring the vehicle to a stop within the assured 340

clear distance ahead the affidavit and warrant need not specify 341
the speed at which the defendant is alleged to have driven. 342

(F) When a speed in excess of both a prima-facie 343
limitation and a limitation in division (D) of this section is 344
alleged, the defendant shall be charged in a single affidavit, 345
alleging a single act, with a violation indicated of both 346
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of this 347
section, or of a limit declared or established pursuant to this 348
section by the director or local authorities, and of the 349
limitation in division (D) of this section. If the court finds a 350
violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), 351
or (9) of, or a limit declared or established pursuant to, this 352
section has occurred, it shall enter a judgment of conviction 353
under such division and dismiss the charge under division (D) of 354
this section. If it finds no violation of division (B)(1)(a), 355
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 356
established pursuant to, this section, it shall then consider 357
whether the evidence supports a conviction under division (D) of 358
this section. 359

(G) Points shall be assessed for violation of a limitation 360
under division (D) of this section in accordance with section 361
4510.036 of the Revised Code. 362

(H)(1) Whenever the director determines upon the basis of 363
criteria established by an engineering study, as defined by the 364
director, that any speed limit set forth in divisions (B)(1)(a) 365
to (D) of this section is greater or less than is reasonable or 366
safe under the conditions found to exist at any portion of a 367
street or highway under the jurisdiction of the director, the 368
director shall determine and declare a reasonable and safe 369
prima-facie speed limit, which shall be effective when 370

appropriate signs giving notice of it are erected at the 371
location. 372

(2) Whenever the director determines upon the basis of 373
criteria established by an engineering study, as defined by the 374
director, that the speed limit of fifty-five miles per hour on a 375
two-lane state route outside a municipal corporation is less 376
than is reasonable or safe under the conditions found to exist 377
at that portion of the state route, the director may determine 378
and declare a speed limit of sixty miles per hour for that 379
portion of the state route, which shall be effective when 380
appropriate signs giving notice of it are erected at the 381
location. 382

(3) (a) For purposes of the safe and orderly movement of 383
traffic upon any portion of a street or highway under the 384
jurisdiction of the director, the director may establish a 385
variable speed limit that is different than the speed limit 386
established by or under this section on all or portions of 387
interstate six hundred seventy, interstate two hundred seventy- 388
five, and interstate ninety commencing at the intersection of 389
that interstate with interstate seventy-one and continuing to 390
the border of the state of Ohio with the state of Pennsylvania. 391
The director shall establish criteria for determining the 392
appropriate use of variable speed limits and shall establish 393
variable speed limits in accordance with the criteria. The 394
director may establish variable speed limits based upon the time 395
of day, weather conditions, traffic incidents, or other factors 396
that affect the safe speed on a street or highway. The director 397
shall not establish a variable speed limit that is based on a 398
particular type or class of vehicle. A variable speed limit 399
established by the director under this section is effective when 400
appropriate signs giving notice of the speed limit are displayed 401

at the location. 402

(b) Except for variable speed limits established under 403
division (H) (3) (a) of this section, the director shall establish 404
a variable speed limit under the authority granted to the 405
director by this section on not more than two additional 406
highways and only pursuant to criteria established in rules 407
adopted in accordance with Chapter 119. of the Revised Code. The 408
rules shall be based on the criteria described in division (H) 409
(3) (a) of this section. The rules also shall establish the 410
parameters of any engineering study necessary for determining 411
when variable speed limits are appropriate. 412

(4) Nothing in this section shall be construed to limit 413
the authority of the director to establish speed limits within a 414
construction zone as authorized under section 4511.98 of the 415
Revised Code. 416

(I) (1) Except as provided in divisions (I) (2), (J), (K), 417
and (N) of this section, whenever local authorities determine 418
upon the basis of criteria established by an engineering study, 419
as defined by the director, that the speed permitted by 420
divisions (B) (1) (a) to (D) of this section, on any part of a 421
highway under their jurisdiction, is greater than is reasonable 422
and safe under the conditions found to exist at such location, 423
the local authorities may by resolution request the director to 424
determine and declare a reasonable and safe prima-facie speed 425
limit. Upon receipt of such request the director may determine 426
and declare a reasonable and safe prima-facie speed limit at 427
such location, and if the director does so, then such declared 428
speed limit shall become effective only when appropriate signs 429
giving notice thereof are erected at such location by the local 430
authorities. The director may withdraw the declaration of a 431

prima-facie speed limit whenever in the director's opinion the 432
altered prima-facie speed limit becomes unreasonable. Upon such 433
withdrawal, the declared prima-facie speed limit shall become 434
ineffective and the signs relating thereto shall be immediately 435
removed by the local authorities. 436

(2) A local authority may determine on the basis of 437
criteria established by an engineering study, as defined by the 438
director, that the speed limit of sixty-five or seventy miles 439
per hour on a portion of a freeway under its jurisdiction is 440
greater than is reasonable or safe under the conditions found to 441
exist at that portion of the freeway. If the local authority 442
makes such a determination, the local authority by resolution 443
may request the director to determine and declare a reasonable 444
and safe speed limit of not less than fifty-five miles per hour 445
for that portion of the freeway. If the director takes such 446
action, the declared speed limit becomes effective only when 447
appropriate signs giving notice of it are erected at such 448
location by the local authority. 449

(J) Local authorities in their respective jurisdictions 450
may authorize by ordinance higher prima-facie speeds than those 451
stated in this section upon through highways, or upon highways 452
or portions thereof where there are no intersections, or between 453
widely spaced intersections, provided signs are erected giving 454
notice of the authorized speed, but local authorities shall not 455
modify or alter the basic rule set forth in division (A) of this 456
section or in any event authorize by ordinance a speed in excess 457
of the maximum speed permitted by division (D) of this section 458
for the specified type of highway. 459

Alteration of prima-facie limits on state routes by local 460
authorities shall not be effective until the alteration has been 461

approved by the director. The director may withdraw approval of 462
any altered prima-facie speed limits whenever in the director's 463
opinion any altered prima-facie speed becomes unreasonable, and 464
upon such withdrawal, the altered prima-facie speed shall become 465
ineffective and the signs relating thereto shall be immediately 466
removed by the local authorities. 467

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 468
this section, "unimproved highway" means a highway consisting of 469
any of the following: 470

(a) Unimproved earth; 471

(b) Unimproved graded and drained earth; 472

(c) Gravel. 473

(2) Except as otherwise provided in divisions (K) (4) and 474
(5) of this section, whenever a board of township trustees 475
determines upon the basis of criteria established by an 476
engineering study, as defined by the director, that the speed 477
permitted by division (B) (5) of this section on any part of an 478
unimproved highway under its jurisdiction and in the 479
unincorporated territory of the township is greater than is 480
reasonable or safe under the conditions found to exist at the 481
location, the board may by resolution declare a reasonable and 482
safe prima-facie speed limit of fifty-five but not less than 483
twenty-five miles per hour. An altered speed limit adopted by a 484
board of township trustees under this division becomes effective 485
when appropriate traffic control devices, as prescribed in 486
section 4511.11 of the Revised Code, giving notice thereof are 487
erected at the location, which shall be no sooner than sixty 488
days after adoption of the resolution. 489

(3) (a) Whenever, in the opinion of a board of township 490

trustees, any altered prima-facie speed limit established by the 491
board under this division becomes unreasonable, the board may 492
adopt a resolution withdrawing the altered prima-facie speed 493
limit. Upon the adoption of such a resolution, the altered 494
prima-facie speed limit becomes ineffective and the traffic 495
control devices relating thereto shall be immediately removed. 496

(b) Whenever a highway ceases to be an unimproved highway 497
and the board has adopted an altered prima-facie speed limit 498
pursuant to division (K) (2) of this section, the board shall, by 499
resolution, withdraw the altered prima-facie speed limit as soon 500
as the highway ceases to be unimproved. Upon the adoption of 501
such a resolution, the altered prima-facie speed limit becomes 502
ineffective and the traffic control devices relating thereto 503
shall be immediately removed. 504

(4) (a) If the boundary of two townships rests on the 505
centerline of an unimproved highway in unincorporated territory 506
and both townships have jurisdiction over the highway, neither 507
of the boards of township trustees of such townships may declare 508
an altered prima-facie speed limit pursuant to division (K) (2) 509
of this section on the part of the highway under their joint 510
jurisdiction unless the boards of township trustees of both of 511
the townships determine, upon the basis of criteria established 512
by an engineering study, as defined by the director, that the 513
speed permitted by division (B) (5) of this section is greater 514
than is reasonable or safe under the conditions found to exist 515
at the location and both boards agree upon a reasonable and safe 516
prima-facie speed limit of less than fifty-five but not less 517
than twenty-five miles per hour for that location. If both 518
boards so agree, each shall follow the procedure specified in 519
division (K) (2) of this section for altering the prima-facie 520
speed limit on the highway. Except as otherwise provided in 521

division (K) (4) (b) of this section, no speed limit altered 522
pursuant to division (K) (4) (a) of this section may be withdrawn 523
unless the boards of township trustees of both townships 524
determine that the altered prima-facie speed limit previously 525
adopted becomes unreasonable and each board adopts a resolution 526
withdrawing the altered prima-facie speed limit pursuant to the 527
procedure specified in division (K) (3) (a) of this section. 528

(b) Whenever a highway described in division (K) (4) (a) of 529
this section ceases to be an unimproved highway and two boards 530
of township trustees have adopted an altered prima-facie speed 531
limit pursuant to division (K) (4) (a) of this section, both 532
boards shall, by resolution, withdraw the altered prima-facie 533
speed limit as soon as the highway ceases to be unimproved. Upon 534
the adoption of the resolution, the altered prima-facie speed 535
limit becomes ineffective and the traffic control devices 536
relating thereto shall be immediately removed. 537

(5) As used in division (K) (5) of this section: 538

(a) "Commercial subdivision" means any platted territory 539
outside the limits of a municipal corporation and fronting a 540
highway where, for a distance of three hundred feet or more, the 541
frontage is improved with buildings in use for commercial 542
purposes, or where the entire length of the highway is less than 543
three hundred feet long and the frontage is improved with 544
buildings in use for commercial purposes. 545

(b) "Residential subdivision" means any platted territory 546
outside the limits of a municipal corporation and fronting a 547
highway, where, for a distance of three hundred feet or more, 548
the frontage is improved with residences or residences and 549
buildings in use for business, or where the entire length of the 550
highway is less than three hundred feet long and the frontage is 551

improved with residences or residences and buildings in use for 552
business. 553

Whenever a board of township trustees finds upon the basis 554
of criteria established by an engineering study, as defined by 555
the director, that the prima-facie speed permitted by division 556
(B) (5) of this section on any part of a highway under its 557
jurisdiction that is located in a commercial or residential 558
subdivision, except on highways or portions thereof at the 559
entrances to which vehicular traffic from the majority of 560
intersecting highways is required to yield the right-of-way to 561
vehicles on such highways in obedience to stop or yield signs or 562
traffic control signals, is greater than is reasonable and safe 563
under the conditions found to exist at the location, the board 564
may by resolution declare a reasonable and safe prima-facie 565
speed limit of less than fifty-five but not less than twenty- 566
five miles per hour at the location. An altered speed limit 567
adopted by a board of township trustees under this division 568
shall become effective when appropriate signs giving notice 569
thereof are erected at the location by the township. Whenever, 570
in the opinion of a board of township trustees, any altered 571
prima-facie speed limit established by it under this division 572
becomes unreasonable, it may adopt a resolution withdrawing the 573
altered prima-facie speed, and upon such withdrawal, the altered 574
prima-facie speed shall become ineffective, and the signs 575
relating thereto shall be immediately removed by the township. 576

(L) (1) The director of transportation, based upon an 577
engineering study, as defined by the director, of a highway, 578
expressway, or freeway described in division (B) (12), (13), 579
(14), (15), or (16) of this section, in consultation with the 580
director of public safety and, if applicable, the local 581
authority having jurisdiction over the studied highway, 582

expressway, or freeway, may determine and declare that the speed 583
limit established on such highway, expressway, or freeway under 584
division (B) (12), (13), (14), (15), or (16) of this section 585
either is reasonable and safe or is more or less than that which 586
is reasonable and safe. 587

(2) If the established speed limit for a highway, 588
expressway, or freeway studied pursuant to division (L) (1) of 589
this section is determined to be more or less than that which is 590
reasonable and safe, the director of transportation, in 591
consultation with the director of public safety and, if 592
applicable, the local authority having jurisdiction over the 593
studied highway, expressway, or freeway, shall determine and 594
declare a reasonable and safe speed limit for that highway, 595
expressway, or freeway. 596

(M) (1) (a) If the boundary of two local authorities rests 597
on the centerline of a highway and both authorities have 598
jurisdiction over the highway, the speed limit for the part of 599
the highway within their joint jurisdiction shall be either one 600
of the following as agreed to by both authorities: 601

(i) Either prima-facie speed limit permitted by division 602
(B) of this section; 603

(ii) An altered speed limit determined and posted in 604
accordance with this section. 605

(b) If the local authorities are unable to reach an 606
agreement, the speed limit shall remain as established and 607
posted under this section. 608

(2) Neither local authority may declare an altered prima- 609
facie speed limit pursuant to this section on the part of the 610
highway under their joint jurisdiction unless both of the local 611

authorities determine, upon the basis of criteria established by 612
an engineering study, as defined by the director, that the speed 613
permitted by this section is greater than is reasonable or safe 614
under the conditions found to exist at the location and both 615
authorities agree upon a uniform reasonable and safe prima-facie 616
speed limit of less than fifty-five but not less than twenty- 617
five miles per hour for that location. If both authorities so 618
agree, each shall follow the procedure specified in this section 619
for altering the prima-facie speed limit on the highway, and the 620
speed limit for the part of the highway within their joint 621
jurisdiction shall be uniformly altered. No altered speed limit 622
may be withdrawn unless both local authorities determine that 623
the altered prima-facie speed limit previously adopted becomes 624
unreasonable and each adopts a resolution withdrawing the 625
altered prima-facie speed limit pursuant to the procedure 626
specified in this section. 627

(N) The legislative authority of a municipal corporation 628
or township in which a boarding school is located, by resolution 629
or ordinance, may establish a boarding school zone. The 630
legislative authority may alter the speed limit on any street or 631
highway within the boarding school zone and shall specify the 632
hours during which the altered speed limit is in effect. For 633
purposes of determining the boundaries of the boarding school 634
zone, the altered speed limit within the boarding school zone, 635
and the hours the altered speed limit is in effect, the 636
legislative authority shall consult with the administration of 637
the boarding school and with the county engineer or other 638
appropriate engineer, as applicable. A boarding school zone 639
speed limit becomes effective only when appropriate signs giving 640
notice thereof are erected at the appropriate locations. 641

(O) As used in this section: 642

- (1) "Interstate system" has the same meaning as in 23 U.S.C. 101. 643
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- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 645
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- (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. 648
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- (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. 652
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- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas. 656
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- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101. 660
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- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes. 662
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- (P) (1) A violation of any provision of this section is one of the following: 666
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- (a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor; 668
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- (b) If, within one year of the offense, the offender 670

previously has been convicted of or pleaded guilty to two 671
violations of any provision of this section or of any provision 672
of a municipal ordinance that is substantially similar to any 673
provision of this section, a misdemeanor of the fourth degree; 674

(c) If, within one year of the offense, the offender 675
previously has been convicted of or pleaded guilty to three or 676
more violations of any provision of this section or of any 677
provision of a municipal ordinance that is substantially similar 678
to any provision of this section, a misdemeanor of the third 679
degree. 680

(2) If the offender operated a motor vehicle faster than 681
thirty-five miles an hour in a business district of a municipal 682
corporation, faster than fifty miles an hour in other portions 683
of a municipal corporation, or faster than thirty-five miles an 684
hour in a school zone during recess or while children are going 685
to or leaving school during the school's opening or closing 686
hours, a misdemeanor of the fourth degree. Division (P) (2) of 687
this section does not apply if penalties may be imposed under 688
division (P) (1) (b) or (c) of this section. 689

(3) Notwithstanding division (P) (1) of this section, if 690
the offender operated a motor vehicle in a construction zone 691
where one or more construction workers were present and a sign 692
was then posted in accordance with section 4511.98 of the 693
Revised Code, the court, in addition to all other penalties 694
provided by law, shall impose upon the offender a fine of two 695
times the usual amount imposed for the violation. No court shall 696
impose a fine of two times the usual amount imposed for the 697
violation upon an offender if the offender alleges, in an 698
affidavit filed with the court prior to the offender's 699
sentencing, that the offender is indigent and is unable to pay 700

the fine imposed pursuant to this division and if the court 701
determines that the offender is an indigent person and unable to 702
pay the fine. 703

(4) If the offender commits the offense while distracted 704
and the distracting activity is a contributing factor to the 705
commission of the offense, the offender is subject to the 706
additional fine established under section 4511.991 of the 707
Revised Code. 708

Sec. 4511.98. The director of transportation may establish 709
speed limits within construction zones that vary based on the 710
type of work being conducted, the time of day, or any other 711
criteria the director may consider appropriate. The director, 712
board of county commissioners, or board of township trustees 713
shall cause signs to be erected advising motorists that 714
increased penalties apply for certain traffic violations 715
occurring on streets or highways in a construction zone. The 716
increased penalties shall be effective only when signs are 717
erected in accordance with the guidelines and design 718
specifications established by the director under section 5501.27 719
of the Revised Code, and when a violation occurs ~~during hours of~~ 720
~~actual work within~~ when one or more construction workers are 721
present in the construction zone. 722

Sec. 5501.27. (A) The director of transportation shall 723
adopt rules that do the following: 724

(1) Rules governing the posting of signs advising 725
motorists that increased penalties apply for certain traffic 726
violations occurring on streets or highways in a construction 727
zone when one or more construction workers are present; 728

(2) Rules governing the posting of signs to be used 729

pursuant to section 2903.081 of the Revised Code giving notice 730
to motorists of the prohibitions set forth in sections 2903.06 731
and 2903.08 of the Revised Code regarding the death of or injury 732
to any person in a construction zone as a proximate result of a 733
reckless operation offense or speeding offense. 734

~~(B) The~~ (B) (1) Subject to division (B) (2) of this section, 735
the rules required under divisions (A) (1) and (2) of this 736
section shall include guidelines to determine which ~~areas~~ 737
locations exterior to and within the construction zone are 738
appropriate to the posting of such signs. The guidelines may 739
include consideration of the following: ~~the~~ 740

(a) The duration of the work on the street or highway, ~~the~~ 741
i 742

(b) The proximity of workers to moving traffic, ~~the~~; 743

(c) The existence of any unusual or hazardous conditions, ~~the~~; 744
i 745

(d) The volume of traffic on the street or highway, ~~and~~ 746
any; 747

(e) Any other appropriate factors. 748

(2) Within the guidelines specified under division (B) (1) 749
of this section, the director shall specify that signs are 750
required to be posted for every construction zone, regardless of 751
the expected duration or the length of the construction zone on 752
the road or highway. 753

(3) The director shall formulate design specifications for 754
the signs described in division (A) (1) of this section advising 755
motorists of the increased penalties and the signs described in 756
division (A) (2) of this section notifying motorists of the 757

prohibitions set forth in sections 2903.06 and 2903.08 of the Revised Code regarding the death of or injury to any person in a construction zone as a proximate result of a reckless operation offense or speeding offense as described in that division. ~~For~~

(4) For purposes of traffic violation penalties, nothing in this section is intended to conflict with any standard set forth in the federal manual of uniform traffic control devices for streets and highways.

(C) As used in this section and in section 4511.98 of the Revised Code, "construction zone" means that lane or portion of street or highway open to vehicular traffic and adjacent to a lane, berm, or shoulder of a street or highway within which lane, berm, or shoulder construction, reconstruction, resurfacing, or any other work of a repair or maintenance nature, including public utility work, is being conducted, commencing with the point where the first worker or piece of equipment is located and ending where the last worker or piece of equipment is located.

Section 2. That existing sections 4508.02, 4511.20, 4511.21, 4511.98, and 5501.27 of the Revised Code are hereby repealed.

Section 3. This act shall be known as the Trenton Gallaway Work Zone Safety Act.