

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 455**

**Representatives Patterson, Roegner**

**Cosponsors: Representatives O'Brien, M., Rogers**

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**A BILL**

To amend section 4511.21 of the Revised Code to  
authorize a municipal corporation or township to  
establish a boarding school zone and a special  
speed limit within that zone. 1  
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**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: 5  
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**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. 7  
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(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  
operator of a motor vehicle, trackless trolley, or streetcar to 15  
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operate the same at a speed not exceeding the following: 19

(1) (a) Twenty miles per hour in school zones during school 20  
recess and while children are going to or leaving school during 21  
the opening or closing hours, and when twenty miles per hour 22  
school speed limit signs are erected; except that, on 23  
controlled-access highways and expressways, if the right-of-way 24  
line fence has been erected without pedestrian opening, the 25  
speed shall be governed by division (B) (4) of this section and 26  
on freeways, if the right-of-way line fence has been erected 27  
without pedestrian opening, the speed shall be governed by 28  
divisions (B) (9) and (10) of this section. The end of every 29  
school zone may be marked by a sign indicating the end of the 30  
zone. Nothing in this section or in the manual and 31  
specifications for a uniform system of traffic control devices 32  
shall be construed to require school zones to be indicated by 33  
signs equipped with flashing or other lights, or giving other 34  
special notice of the hours in which the school zone speed limit 35  
is in effect. 36

(b) As used in this section and in section 4511.212 of the 37  
Revised Code, "school" means any school chartered under section 38  
3301.16 of the Revised Code and any nonchartered school that 39  
during the preceding year filed with the department of education 40  
in compliance with rule 3301-35-08 of the Ohio Administrative 41  
Code, a copy of the school's report for the parents of the 42  
school's pupils certifying that the school meets Ohio minimum 43  
standards for nonchartered, nontax-supported schools and 44  
presents evidence of this filing to the jurisdiction from which 45  
it is requesting the establishment of a school zone. "School" 46  
also includes a special elementary school that in writing 47  
requests the county engineer of the county in which the special 48  
elementary school is located to create a school zone at the 49

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

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

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

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

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

Nothing in this section shall be construed to invalidate 78

the director's initial action on August 9, 1976, establishing 79  
all school zones at the traditional school zone boundaries 80  
defined by projecting school property lines, except when those 81  
boundaries are extended as provided in divisions (B) (1) (a) and 82  
(c) of this section. 83

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

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

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

(i) It is not chartered and does not receive tax revenue 108

from any source.	109
(ii) It does not educate children beyond the eighth grade.	110
(iii) It is located outside the limits of a municipal corporation.	111 112
(iv) A majority of the total number of students enrolled at the school are not related by blood.	113 114
(v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.	115 116 117 118 119 120 121
(2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;	122 123 124 125
(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;	126 127 128 129
(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;	130 131
(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 division (B) (9) of this section, and highways, expressways, and freeways as provided in divisions (B)	132 133 134 135 136

(12), (13), (14), and (16) of this section;	137
(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;	138 139 140
(7) Fifteen miles per hour on all alleys within the municipal corporation;	141 142
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	143 144
(9) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section.	145 146 147
(10) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B) (14) and (16) of this section;	148 149 150 151
(11) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in divisions (B) (14) and (16) of this section;	152 153 154
(12) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;	155 156
(13) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;	157 158 159
(14) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways;	160 161
(15) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested	162 163

areas as determined by the director and that are part of the 164  
interstate system and are located within a municipal corporation 165  
or within an interstate freeway outerbelt; 166

(16) Sixty-five miles per hour for operators of any motor 167  
vehicle at all times on all portions of freeways in urban areas 168  
as determined by the director and that are part of the 169  
interstate system and are part of an interstate freeway 170  
outerbelt. 171

(C) It is prima-facie unlawful for any person to exceed 172  
any of the speed limitations in divisions (B) (1) (a), (2), (3), 173  
(4), (6), (7), and (8) of this section, or any declared or 174  
established pursuant to this section by the director or local 175  
authorities and it is unlawful for any person to exceed any of 176  
the speed limitations in division (D) of this section. No person 177  
shall be convicted of more than one violation of this section 178  
for the same conduct, although violations of more than one 179  
provision of this section may be charged in the alternative in a 180  
single affidavit. 181

(D) No person shall operate a motor vehicle, trackless 182  
trolley, or streetcar upon a street or highway as follows: 183

(1) At a speed exceeding fifty-five miles per hour, except 184  
upon a two-lane state route as provided in division (B) (9) of 185  
this section and upon a highway, expressway, or freeway as 186  
provided in divisions (B) (12), (13), (14), and (16) of this 187  
section; 188

(2) At a speed exceeding sixty miles per hour upon a two- 189  
lane state route as provided in division (B) (9) of this section 190  
and upon a highway as provided in division (B) (12) of this 191  
section; 192

(3) At a speed exceeding sixty-five miles per hour upon an 193  
expressway as provided in division (B) (13) or upon a freeway as 194  
provided in division (B) (16) of this section, except upon a 195  
freeway as provided in division (B) (14) of this section; 196

(4) At a speed exceeding seventy miles per hour upon a 197  
freeway as provided in division (B) (14) of this section; 198

(5) At a speed exceeding the posted speed limit upon a 199  
highway, expressway, or freeway for which the director has 200  
determined and declared a speed limit pursuant to division (I) 201  
(2) or (L) (2) of this section. 202

(E) In every charge of violation of this section the 203  
affidavit and warrant shall specify the time, place, and speed 204  
at which the defendant is alleged to have driven, and in charges 205  
made in reliance upon division (C) of this section also the 206  
speed which division (B) (1) (a), (2), (3), (4), (6), (7), or (8) 207  
of, or a limit declared or established pursuant to, this section 208  
declares is prima-facie lawful at the time and place of such 209  
alleged violation, except that in affidavits where a person is 210  
alleged to have driven at a greater speed than will permit the 211  
person to bring the vehicle to a stop within the assured clear 212  
distance ahead the affidavit and warrant need not specify the 213  
speed at which the defendant is alleged to have driven. 214

(F) When a speed in excess of both a prima-facie 215  
limitation and a limitation in division (D) of this section is 216  
alleged, the defendant shall be charged in a single affidavit, 217  
alleging a single act, with a violation indicated of both 218  
division (B) (1) (a), (2), (3), (4), (6), (7), or (8) of this 219  
section, or of a limit declared or established pursuant to this 220  
section by the director or local authorities, and of the 221  
limitation in division (D) of this section. If the court finds a 222



violation of division (B) (1) (a), (2), (3), (4), (6), (7), or (8) 223  
of, or a limit declared or established pursuant to, this section 224  
has occurred, it shall enter a judgment of conviction under such 225  
division and dismiss the charge under division (D) of this 226  
section. If it finds no violation of division (B) (1) (a), (2), 227  
(3), (4), (6), (7), or (8) of, or a limit declared or 228  
established pursuant to, this section, it shall then consider 229  
whether the evidence supports a conviction under division (D) of 230  
this section. 231

(G) Points shall be assessed for violation of a limitation 232  
under division (D) of this section in accordance with section 233  
4510.036 of the Revised Code. 234

(H) (1) Whenever the director determines upon the basis of 235  
a geometric and traffic characteristic study that any speed 236  
limit set forth in divisions (B) (1) (a) to (D) of this section is 237  
greater or less than is reasonable or safe under the conditions 238  
found to exist at any portion of a street or highway under the 239  
jurisdiction of the director, the director shall determine and 240  
declare a reasonable and safe prima-facie speed limit, which 241  
shall be effective when appropriate signs giving notice of it 242  
are erected at the location. 243

(2) Whenever the director determines upon the basis of a 244  
geometric and traffic characteristic study that the speed limit 245  
of fifty-five miles per hour on a two-lane state route outside a 246  
municipal corporation is less than is reasonable or safe under 247  
the conditions found to exist at that portion of the state 248  
route, the director may determine and declare a speed limit of 249  
sixty miles per hour for that portion of the state route, which 250  
shall be effective when appropriate signs giving notice of it 251  
are erected at the location. 252

(I) (1) Except as provided in divisions (I) (2) and (K) of 253  
this section, whenever local authorities determine upon the 254  
basis of an engineering and traffic investigation that the speed 255  
permitted by divisions (B) (1) (a) to (D) of this section, on any 256  
part of a highway under their jurisdiction, is greater than is 257  
reasonable and safe under the conditions found to exist at such 258  
location, the local authorities may by resolution request the 259  
director to determine and declare a reasonable and safe prima- 260  
facie speed limit. Upon receipt of such request the director may 261  
determine and declare a reasonable and safe prima-facie speed 262  
limit at such location, and if the director does so, then such 263  
declared speed limit shall become effective only when 264  
appropriate signs giving notice thereof are erected at such 265  
location by the local authorities. The director may withdraw the 266  
declaration of a prima-facie speed limit whenever in the 267  
director's opinion the altered prima-facie speed becomes 268  
unreasonable. Upon such withdrawal, the declared prima-facie 269  
speed shall become ineffective and the signs relating thereto 270  
shall be immediately removed by the local authorities. 271

(2) A local authority may determine on the basis of a 272  
geometric and traffic characteristic study that the speed limit 273  
of sixty-five miles per hour on a portion of a freeway under its 274  
jurisdiction that was established through the operation of 275  
division (L) (3) of this section is greater than is reasonable or 276  
safe under the conditions found to exist at that portion of the 277  
freeway. If the local authority makes such a determination, the 278  
local authority by resolution may request the director to 279  
determine and declare a reasonable and safe speed limit of not 280  
less than fifty-five miles per hour for that portion of the 281  
freeway. If the director takes such action, the declared speed 282  
limit becomes effective only when appropriate signs giving 283

notice of it are erected at such location by the local 284  
authority. 285

(J) Local authorities in their respective jurisdictions 286  
may authorize by ordinance higher prima-facie speeds than those 287  
stated in this section upon through highways, or upon highways 288  
or portions thereof where there are no intersections, or between 289  
widely spaced intersections, provided signs are erected giving 290  
notice of the authorized speed, but local authorities shall not 291  
modify or alter the basic rule set forth in division (A) of this 292  
section or in any event authorize by ordinance a speed in excess 293  
of fifty miles per hour. 294

Alteration of prima-facie limits on state routes by local 295  
authorities shall not be effective until the alteration has been 296  
approved by the director. The director may withdraw approval of 297  
any altered prima-facie speed limits whenever in the director's 298  
opinion any altered prima-facie speed becomes unreasonable, and 299  
upon such withdrawal, the altered prima-facie speed shall become 300  
ineffective and the signs relating thereto shall be immediately 301  
removed by the local authorities. 302

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 303  
this section, "unimproved highway" means a highway consisting of 304  
any of the following: 305

(a) Unimproved earth; 306

(b) Unimproved graded and drained earth; 307

(c) Gravel. 308

(2) Except as otherwise provided in divisions (K) (4) and 309  
(5) of this section, whenever a board of township trustees 310  
determines upon the basis of an engineering and traffic 311  
investigation that the speed permitted by division (B) (5) of 312

this section on any part of an unimproved highway under its 313  
jurisdiction and in the unincorporated territory of the township 314  
is greater than is reasonable or safe under the conditions found 315  
to exist at the location, the board may by resolution declare a 316  
reasonable and safe prima-facie speed limit of fifty-five but 317  
not less than twenty-five miles per hour. An altered speed limit 318  
adopted by a board of township trustees under this division 319  
becomes effective when appropriate traffic control devices, as 320  
prescribed in section 4511.11 of the Revised Code, giving notice 321  
thereof are erected at the location, which shall be no sooner 322  
than sixty days after adoption of the resolution. 323

(3) (a) Whenever, in the opinion of a board of township 324  
trustees, any altered prima-facie speed limit established by the 325  
board under this division becomes unreasonable, the board may 326  
adopt a resolution withdrawing the altered prima-facie speed 327  
limit. Upon the adoption of such a resolution, the altered 328  
prima-facie speed limit becomes ineffective and the traffic 329  
control devices relating thereto shall be immediately removed. 330

(b) Whenever a highway ceases to be an unimproved highway 331  
and the board has adopted an altered prima-facie speed limit 332  
pursuant to division (K) (2) of this section, the board shall, by 333  
resolution, withdraw the altered prima-facie speed limit as soon 334  
as the highway ceases to be unimproved. Upon the adoption of 335  
such a resolution, the altered prima-facie speed limit becomes 336  
ineffective and the traffic control devices relating thereto 337  
shall be immediately removed. 338

(4) (a) If the boundary of two townships rests on the 339  
centerline of an unimproved highway in unincorporated territory 340  
and both townships have jurisdiction over the highway, neither 341  
of the boards of township trustees of such townships may declare 342

an altered prima-facie speed limit pursuant to division (K) (2) 343  
of this section on the part of the highway under their joint 344  
jurisdiction unless the boards of township trustees of both of 345  
the townships determine, upon the basis of an engineering and 346  
traffic investigation, that the speed permitted by division (B) 347  
(5) of this section is greater than is reasonable or safe under 348  
the conditions found to exist at the location and both boards 349  
agree upon a reasonable and safe prima-facie speed limit of less 350  
than fifty-five but not less than twenty-five miles per hour for 351  
that location. If both boards so agree, each shall follow the 352  
procedure specified in division (K) (2) of this section for 353  
altering the prima-facie speed limit on the highway. Except as 354  
otherwise provided in division (K) (4) (b) of this section, no 355  
speed limit altered pursuant to division (K) (4) (a) of this 356  
section may be withdrawn unless the boards of township trustees 357  
of both townships determine that the altered prima-facie speed 358  
limit previously adopted becomes unreasonable and each board 359  
adopts a resolution withdrawing the altered prima-facie speed 360  
limit pursuant to the procedure specified in division (K) (3) (a) 361  
of this section. 362

(b) Whenever a highway described in division (K) (4) (a) of 363  
this section ceases to be an unimproved highway and two boards 364  
of township trustees have adopted an altered prima-facie speed 365  
limit pursuant to division (K) (4) (a) of this section, both 366  
boards shall, by resolution, withdraw the altered prima-facie 367  
speed limit as soon as the highway ceases to be unimproved. Upon 368  
the adoption of the resolution, the altered prima-facie speed 369  
limit becomes ineffective and the traffic control devices 370  
relating thereto shall be immediately removed. 371

(5) As used in division (K) (5) of this section: 372

(a) "Commercial subdivision" means any platted territory 373  
outside the limits of a municipal corporation and fronting a 374  
highway where, for a distance of three hundred feet or more, the 375  
frontage is improved with buildings in use for commercial 376  
purposes, or where the entire length of the highway is less than 377  
three hundred feet long and the frontage is improved with 378  
buildings in use for commercial purposes. 379

(b) "Residential subdivision" means any platted territory 380  
outside the limits of a municipal corporation and fronting a 381  
highway, where, for a distance of three hundred feet or more, 382  
the frontage is improved with residences or residences and 383  
buildings in use for business, or where the entire length of the 384  
highway is less than three hundred feet long and the frontage is 385  
improved with residences or residences and buildings in use for 386  
business. 387

Whenever a board of township trustees finds upon the basis 388  
of an engineering and traffic investigation that the prima-facie 389  
speed permitted by division (B) (5) of this section on any part 390  
of a highway under its jurisdiction that is located in a 391  
commercial or residential subdivision, except on highways or 392  
portions thereof at the entrances to which vehicular traffic 393  
from the majority of intersecting highways is required to yield 394  
the right-of-way to vehicles on such highways in obedience to 395  
stop or yield signs or traffic control signals, is greater than 396  
is reasonable and safe under the conditions found to exist at 397  
the location, the board may by resolution declare a reasonable 398  
and safe prima-facie speed limit of less than fifty-five but not 399  
less than twenty-five miles per hour at the location. An altered 400  
speed limit adopted by a board of township trustees under this 401  
division shall become effective when appropriate signs giving 402  
notice thereof are erected at the location by the township. 403

Whenever, in the opinion of a board of township trustees, any 404  
altered prima-facie speed limit established by it under this 405  
division becomes unreasonable, it may adopt a resolution 406  
withdrawing the altered prima-facie speed, and upon such 407  
withdrawal, the altered prima-facie speed shall become 408  
ineffective, and the signs relating thereto shall be immediately 409  
removed by the township. 410

(L) (1) ~~On the effective date of this amendment~~ September 411  
29, 2013, the director of transportation, based upon an 412  
engineering study of a highway, expressway, or freeway described 413  
in division (B) (12), (13), (14), (15), or (16) of this section, 414  
in consultation with the director of public safety and, if 415  
applicable, the local authority having jurisdiction over the 416  
studied highway, expressway, or freeway, may determine and 417  
declare that the speed limit established on such highway, 418  
expressway, or freeway under division (B) (12), (13), (14), (15), 419  
or (16) of this section either is reasonable and safe or is more 420  
or less than that which is reasonable and safe. 421

(2) If the established speed limit for a highway, 422  
expressway, or freeway studied pursuant to division (L) (1) of 423  
this section is determined to be more or less than that which is 424  
reasonable and safe, the director of transportation, in 425  
consultation with the director of public safety and, if 426  
applicable, the local authority having jurisdiction over the 427  
studied highway, expressway, or freeway, shall determine and 428  
declare a reasonable and safe speed limit for that highway, 429  
expressway, or freeway. 430

~~(N)~~ (M) (1) (a) If the boundary of two local authorities 431  
rests on the centerline of a highway and both authorities have 432  
jurisdiction over the highway, the speed limit for the part of 433

the highway within their joint jurisdiction shall be either one 434  
of the following as agreed to by both authorities: 435

(i) Either prima-facie speed limit permitted by division 436  
(B) of this section; 437

(ii) An altered speed limit determined and posted in 438  
accordance with this section. 439

(b) If the local authorities are unable to reach an 440  
agreement, the speed limit shall remain as established and 441  
posted under this section. 442

(2) Neither local authority may declare an altered prima- 443  
facie speed limit pursuant to this section on the part of the 444  
highway under their joint jurisdiction unless both of the local 445  
authorities determine, upon the basis of an engineering and 446  
traffic investigation, that the speed permitted by this section 447  
is greater than is reasonable or safe under the conditions found 448  
to exist at the location and both authorities agree upon a 449  
uniform reasonable and safe prima-facie speed limit of less than 450  
fifty-five but not less than twenty-five miles per hour for that 451  
location. If both authorities so agree, each shall follow the 452  
procedure specified in this section for altering the prima-facie 453  
speed limit on the highway, and the speed limit for the part of 454  
the highway within their joint jurisdiction shall be uniformly 455  
altered. No altered speed limit may be withdrawn unless both 456  
local authorities determine that the altered prima-facie speed 457  
limit previously adopted becomes unreasonable and each adopts a 458  
resolution withdrawing the altered prima-facie speed limit 459  
pursuant to the procedure specified in this section. 460

(N) The legislative authority of a municipal corporation 461  
or township in which a boarding school is located, by resolution 462



or ordinance, may establish a boarding school zone. The 463  
legislative authority may alter the speed limit on any street or 464  
highway within the boarding school zone and shall specify the 465  
hours during which the altered speed limit is in effect. For 466  
purposes of determining the boundaries of the boarding school 467  
zone, the altered speed limit within the boarding school zone, 468  
and the hours the altered speed limit is in effect, the 469  
legislative authority shall consult with the administration of 470  
the boarding school and with the county engineer or other 471  
appropriate engineer, as applicable. A boarding school zone 472  
speed limit becomes effective only when appropriate signs giving 473  
notice thereof are erected at the appropriate locations. 474

(0) As used in this section: 475

(1) "Interstate system" has the same meaning as in 23 476  
U.S.C.A. 101. 477

(2) "Commercial bus" means a motor vehicle designed for 478  
carrying more than nine passengers and used for the 479  
transportation of persons for compensation. 480

(3) "Noncommercial bus" includes but is not limited to a 481  
school bus or a motor vehicle operated solely for the 482  
transportation of persons associated with a charitable or 483  
nonprofit organization. 484

(4) "Outerbelt" means a portion of a freeway that is part 485  
of the interstate system and is located in the outer vicinity of 486  
a major municipal corporation or group of municipal 487  
corporations, as designated by the director. 488

(5) "Rural" means outside urbanized areas, as designated 489  
in accordance with 23 U.S.C. 101, and outside of a business or 490  
urban district. 491

(P) (1) A violation of any provision of this section is one	492
of the following:	493
(a) Except as otherwise provided in divisions (P) (1) (b),	494
(1) (c), (2), and (3) of this section, a minor misdemeanor;	495
(b) If, within one year of the offense, the offender	496
previously has been convicted of or pleaded guilty to two	497
violations of any provision of this section or of any provision	498
of a municipal ordinance that is substantially similar to any	499
provision of this section, a misdemeanor of the fourth degree;	500
(c) If, within one year of the offense, the offender	501
previously has been convicted of or pleaded guilty to three or	502
more violations of any provision of this section or of any	503
provision of a municipal ordinance that is substantially similar	504
to any provision of this section, a misdemeanor of the third	505
degree.	506
(2) If the offender has not previously been convicted of	507
or pleaded guilty to a violation of any provision of this	508
section or of any provision of a municipal ordinance that is	509
substantially similar to this section and operated a motor	510
vehicle faster than thirty-five miles an hour in a business	511
district of a municipal corporation, faster than fifty miles an	512
hour in other portions of a municipal corporation, or faster	513
than thirty-five miles an hour in a school zone during recess or	514
while children are going to or leaving school during the	515
school's opening or closing hours, a misdemeanor of the fourth	516
degree.	517
(3) Notwithstanding division (P) (1) of this section, if	518
the offender operated a motor vehicle in a construction zone	519
where a sign was then posted in accordance with section 4511.98	520

of the Revised Code, the court, in addition to all other 521  
penalties provided by law, shall impose upon the offender a fine 522  
of two times the usual amount imposed for the violation. No 523  
court shall impose a fine of two times the usual amount imposed 524  
for the violation upon an offender if the offender alleges, in 525  
an affidavit filed with the court prior to the offender's 526  
sentencing, that the offender is indigent and is unable to pay 527  
the fine imposed pursuant to this division and if the court 528  
determines that the offender is an indigent person and unable to 529  
pay the fine. 530

**Section 2.** That existing section 4511.21 of the Revised 531  
Code is hereby repealed. 532