

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 352**

**Senator Tavares  
Cosponsor: Senator Thomas**

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**A BILL**

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

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

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

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

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

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

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

The beginning of a school zone shall be indicated marked 36  
either by signs a sign equipped with flashing or other lights, 37  
that indicate that the school zone speed limit is in effect or 38  
giving other special by a sign that gives notice of the hours in 39  
which the school zone speedlimit is in effect. Signs equipped 40  
with flashing or other lights shall be activated by a time 41  
clock, other automatic device, or manually activated. The 42  
director of transportation shall establish adequate standards 43  
governing the use of flashing or other lights to indicate a 44  
school zone and the use of signs giving notice of the hours in 45  
which a school zone speed limit is in effect. The end of every 46  
school zone shall be marked by a sign indicating the end of the 47  
zone. 48

(b) As used in this section and in section 4511.212 of the Revised Code, "school" means any school chartered under section 3301.16 of the Revised Code and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone. "School" also includes a special elementary school that in writing requests the county engineer of the county in which the special elementary school is located to create a school zone at the location of that school. Upon receipt of such a written request, the county engineer shall create a school zone at that location by erecting the appropriate signs.

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

(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	138
through highways within municipal corporations outside business	139
districts, except as provided in divisions (B) (4) and (6) of	140
this section;	141
(4) Fifty miles per hour on controlled-access highways and	142
expressways within municipal corporations;	143
(5) Fifty-five miles per hour on highways outside	144
municipal corporations, other than highways within island	145
jurisdictions as provided in division (B) (8) of this section,	146
highways as provided in division (B) (9) of this section, and	147
highways, expressways, and freeways as provided in divisions (B)	148
(12), (13), (14), and (16) of this section;	149
(6) Fifty miles per hour on state routes within municipal	150
corporations outside urban districts unless a lower prima-facie	151
speed is established as further provided in this section;	152
(7) Fifteen miles per hour on all alleys within the	153
municipal corporation;	154
(8) Thirty-five miles per hour on highways outside	155
municipal corporations that are within an island jurisdiction;	156
(9) Sixty miles per hour on two-lane state routes outside	157
municipal corporations as established by the director under	158
division (H) (2) of this section.	159
(10) Fifty-five miles per hour at all times on freeways	160
with paved shoulders inside municipal corporations, other than	161
freeways as provided in divisions (B) (14) and (16) of this	162
section;	163
(11) Fifty-five miles per hour at all times on freeways	164
outside municipal corporations, other than freeways as provided	165

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

trolley, or streetcar upon a street or highway as follows:	195
(1) At a speed exceeding fifty-five miles per hour, except	196
upon a two-lane state route as provided in division (B) (9) of	197
this section and upon a highway, expressway, or freeway as	198
provided in divisions (B) (12), (13), (14), and (16) of this	199
section;	200
(2) At a speed exceeding sixty miles per hour upon a two-	201
lane state route as provided in division (B) (9) of this section	202
and upon a highway as provided in division (B) (12) of this	203
section;	204
(3) At a speed exceeding sixty-five miles per hour upon an	205
expressway as provided in division (B) (13) or upon a freeway as	206
provided in division (B) (16) of this section, except upon a	207
freeway as provided in division (B) (14) of this section;	208
(4) At a speed exceeding seventy miles per hour upon a	209
freeway as provided in division (B) (14) of this section;	210
(5) At a speed exceeding the posted speed limit upon a	211
highway, expressway, or freeway for which the director has	212
determined and declared a speed limit pursuant to division (I)	213
(2) or (L) (2) of this section.	214
(E) In every charge of violation of this section the	215
affidavit and warrant shall specify the time, place, and speed	216
at which the defendant is alleged to have driven, and in charges	217
made in reliance upon division (C) of this section also the	218
speed which division (B) (1) (a), (2), (3), (4), (6), (7), or (8)	219
of, or a limit declared or established pursuant to, this section	220
declares is prima-facie lawful at the time and place of such	221
alleged violation, except that in affidavits where a person is	222
alleged to have driven at a greater speed than will permit the	223



person to bring the vehicle to a stop within the assured clear 224  
distance ahead the affidavit and warrant need not specify the 225  
speed at which the defendant is alleged to have driven. 226

(F) When a speed in excess of both a prima-facie 227  
limitation and a limitation in division (D) of this section is 228  
alleged, the defendant shall be charged in a single affidavit, 229  
alleging a single act, with a violation indicated of both 230  
division (B) (1) (a), (2), (3), (4), (6), (7), or (8) of this 231  
section, or of a limit declared or established pursuant to this 232  
section by the director or local authorities, and of the 233  
limitation in division (D) of this section. If the court finds a 234  
violation of division (B) (1) (a), (2), (3), (4), (6), (7), or (8) 235  
of, or a limit declared or established pursuant to, this section 236  
has occurred, it shall enter a judgment of conviction under such 237  
division and dismiss the charge under division (D) of this 238  
section. If it finds no violation of division (B) (1) (a), (2), 239  
(3), (4), (6), (7), or (8) of, or a limit declared or 240  
established pursuant to, this section, it shall then consider 241  
whether the evidence supports a conviction under division (D) of 242  
this section. 243

(G) Points shall be assessed for violation of a limitation 244  
under division (D) of this section in accordance with section 245  
4510.036 of the Revised Code. 246

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

shall be effective when appropriate signs giving notice of it 254  
are erected at the location. 255

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

(I) (1) Except as provided in divisions (I) (2) and (K) of 265  
this section, whenever local authorities determine upon the 266  
basis of an engineering and traffic investigation that the speed 267  
permitted by divisions (B) (1) (a) to (D) of this section, on any 268  
part of a highway under their jurisdiction, is greater than is 269  
reasonable and safe under the conditions found to exist at such 270  
location, the local authorities may by resolution request the 271  
director to determine and declare a reasonable and safe prima- 272  
facie speed limit. Upon receipt of such request the director may 273  
determine and declare a reasonable and safe prima-facie speed 274  
limit at such location, and if the director does so, then such 275  
declared speed limit shall become effective only when 276  
appropriate signs giving notice thereof are erected at such 277  
location by the local authorities. The director may withdraw the 278  
declaration of a prima-facie speed limit whenever in the 279  
director's opinion the altered prima-facie speed becomes 280  
unreasonable. Upon such withdrawal, the declared prima-facie 281  
speed shall become ineffective and the signs relating thereto 282  
shall be immediately removed by the local authorities. 283

(2) A local authority may determine on the basis of a 284  
geometric and traffic characteristic study that the speed limit 285  
of sixty-five miles per hour on a portion of a freeway under its 286  
jurisdiction that was established through the operation of 287  
division (L) (3) of this section is greater than is reasonable or 288  
safe under the conditions found to exist at that portion of the 289  
freeway. If the local authority makes such a determination, the 290  
local authority by resolution may request the director to 291  
determine and declare a reasonable and safe speed limit of not 292  
less than fifty-five miles per hour for that portion of the 293  
freeway. If the director takes such action, the declared speed 294  
limit becomes effective only when appropriate signs giving 295  
notice of it are erected at such location by the local 296  
authority. 297

(J) Local authorities in their respective jurisdictions 298  
may authorize by ordinance higher prima-facie speeds than those 299  
stated in this section upon through highways, or upon highways 300  
or portions thereof where there are no intersections, or between 301  
widely spaced intersections, provided signs are erected giving 302  
notice of the authorized speed, but local authorities shall not 303  
modify or alter the basic rule set forth in division (A) of this 304  
section or in any event authorize by ordinance a speed in excess 305  
of fifty miles per hour. 306

Alteration of prima-facie limits on state routes by local 307  
authorities shall not be effective until the alteration has been 308  
approved by the director. The director may withdraw approval of 309  
any altered prima-facie speed limits whenever in the director's 310  
opinion any altered prima-facie speed becomes unreasonable, and 311  
upon such withdrawal, the altered prima-facie speed shall become 312  
ineffective and the signs relating thereto shall be immediately 313  
removed by the local authorities. 314

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 315  
this section, "unimproved highway" means a highway consisting of 316  
any of the following: 317

(a) Unimproved earth; 318

(b) Unimproved graded and drained earth; 319

(c) Gravel. 320

(2) Except as otherwise provided in divisions (K) (4) and 321  
(5) of this section, whenever a board of township trustees 322  
determines upon the basis of an engineering and traffic 323  
investigation that the speed permitted by division (B) (5) of 324  
this section on any part of an unimproved highway under its 325  
jurisdiction and in the unincorporated territory of the township 326  
is greater than is reasonable or safe under the conditions found 327  
to exist at the location, the board may by resolution declare a 328  
reasonable and safe prima-facie speed limit of fifty-five but 329  
not less than twenty-five miles per hour. An altered speed limit 330  
adopted by a board of township trustees under this division 331  
becomes effective when appropriate traffic control devices, as 332  
prescribed in section 4511.11 of the Revised Code, giving notice 333  
thereof are erected at the location, which shall be no sooner 334  
than sixty days after adoption of the resolution. 335

(3) (a) Whenever, in the opinion of a board of township 336  
trustees, any altered prima-facie speed limit established by the 337  
board under this division becomes unreasonable, the board may 338  
adopt a resolution withdrawing the altered prima-facie speed 339  
limit. Upon the adoption of such a resolution, the altered 340  
prima-facie speed limit becomes ineffective and the traffic 341  
control devices relating thereto shall be immediately removed. 342

(b) Whenever a highway ceases to be an unimproved highway 343

and the board has adopted an altered prima-facie speed limit 344  
pursuant to division (K) (2) of this section, the board shall, by 345  
resolution, withdraw the altered prima-facie speed limit as soon 346  
as the highway ceases to be unimproved. Upon the adoption of 347  
such a resolution, the altered prima-facie speed limit becomes 348  
ineffective and the traffic control devices relating thereto 349  
shall be immediately removed. 350

(4) (a) If the boundary of two townships rests on the 351  
centerline of an unimproved highway in unincorporated territory 352  
and both townships have jurisdiction over the highway, neither 353  
of the boards of township trustees of such townships may declare 354  
an altered prima-facie speed limit pursuant to division (K) (2) 355  
of this section on the part of the highway under their joint 356  
jurisdiction unless the boards of township trustees of both of 357  
the townships determine, upon the basis of an engineering and 358  
traffic investigation, that the speed permitted by division (B) 359  
(5) of this section is greater than is reasonable or safe under 360  
the conditions found to exist at the location and both boards 361  
agree upon a reasonable and safe prima-facie speed limit of less 362  
than fifty-five but not less than twenty-five miles per hour for 363  
that location. If both boards so agree, each shall follow the 364  
procedure specified in division (K) (2) of this section for 365  
altering the prima-facie speed limit on the highway. Except as 366  
otherwise provided in division (K) (4) (b) of this section, no 367  
speed limit altered pursuant to division (K) (4) (a) of this 368  
section may be withdrawn unless the boards of township trustees 369  
of both townships determine that the altered prima-facie speed 370  
limit previously adopted becomes unreasonable and each board 371  
adopts a resolution withdrawing the altered prima-facie speed 372  
limit pursuant to the procedure specified in division (K) (3) (a) 373  
of this section. 374

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

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

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

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

Whenever a board of township trustees finds upon the basis of an engineering and traffic investigation that the prima-facie speed permitted by division (B) (5) of this section on any part of a highway under its jurisdiction that is located in a commercial or residential subdivision, except on highways or

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

(L) (1) ~~On the effective date of this amendment~~ September 423  
29, 2013, the director of transportation, based upon an 424  
engineering study of a highway, expressway, or freeway described 425  
in division (B) (12), (13), (14), (15), or (16) of this section, 426  
in consultation with the director of public safety and, if 427  
applicable, the local authority having jurisdiction over the 428  
studied highway, expressway, or freeway, may determine and 429  
declare that the speed limit established on such highway, 430  
expressway, or freeway under division (B) (12), (13), (14), (15), 431  
or (16) of this section either is reasonable and safe or is more 432  
or less than that which is reasonable and safe. 433

(2) If the established speed limit for a highway, 434  
expressway, or freeway studied pursuant to division (L) (1) of 435

this section is determined to be more or less than that which is 436  
reasonable and safe, the director of transportation, in 437  
consultation with the director of public safety and, if 438  
applicable, the local authority having jurisdiction over the 439  
studied highway, expressway, or freeway, shall determine and 440  
declare a reasonable and safe speed limit for that highway, 441  
expressway, or freeway. 442

~~(N)~~ (M) (1) (a) If the boundary of two local authorities 443  
rests on the centerline of a highway and both authorities have 444  
jurisdiction over the highway, the speed limit for the part of 445  
the highway within their joint jurisdiction shall be either one 446  
of the following as agreed to by both authorities: 447

(i) Either prima-facie speed limit permitted by division 448  
(B) of this section; 449

(ii) An altered speed limit determined and posted in 450  
accordance with this section. 451

(b) If the local authorities are unable to reach an 452  
agreement, the speed limit shall remain as established and 453  
posted under this section. 454

(2) Neither local authority may declare an altered prima- 455  
facie speed limit pursuant to this section on the part of the 456  
highway under their joint jurisdiction unless both of the local 457  
authorities determine, upon the basis of an engineering and 458  
traffic investigation, that the speed permitted by this section 459  
is greater than is reasonable or safe under the conditions found 460  
to exist at the location and both authorities agree upon a 461  
uniform reasonable and safe prima-facie speed limit of less than 462  
fifty-five but not less than twenty-five miles per hour for that 463  
location. If both authorities so agree, each shall follow the 464



procedure specified in this section for altering the prima-facie 465  
speed limit on the highway, and the speed limit for the part of 466  
the highway within their joint jurisdiction shall be uniformly 467  
altered. No altered speed limit may be withdrawn unless both 468  
local authorities determine that the altered prima-facie speed 469  
limit previously adopted becomes unreasonable and each adopts a 470  
resolution withdrawing the altered prima-facie speed limit 471  
pursuant to the procedure specified in this section. 472

~~(O)~~ (N) As used in this section: 473

(1) "Interstate system" has the same meaning as in 23 474  
U.S.C.A. 101. 475

(2) "Commercial bus" means a motor vehicle designed for 476  
carrying more than nine passengers and used for the 477  
transportation of persons for compensation. 478

(3) "Noncommercial bus" includes but is not limited to a 479  
school bus or a motor vehicle operated solely for the 480  
transportation of persons associated with a charitable or 481  
nonprofit organization. 482

(4) "Outerbelt" means a portion of a freeway that is part 483  
of the interstate system and is located in the outer vicinity of 484  
a major municipal corporation or group of municipal 485  
corporations, as designated by the director. 486

(5) "Rural" means outside urbanized areas, as designated 487  
in accordance with 23 U.S.C. 101, and outside of a business or 488  
urban district. 489

~~(P)~~ (O) (1) A violation of any provision of this section is 490  
one of the following: 491

(a) Except as otherwise provided in divisions ~~(P)~~ (O) (1) 492

(b), (1)(c), (2), and (3) of this section, a minor misdemeanor; 493

(b) If, within one year of the offense, the offender 494  
previously has been convicted of or pleaded guilty to two 495  
violations of any provision of this section or of any provision 496  
of a municipal ordinance that is substantially similar to any 497  
provision of this section, a misdemeanor of the fourth degree; 498

(c) If, within one year of the offense, the offender 499  
previously has been convicted of or pleaded guilty to three or 500  
more violations of any provision of this section or of any 501  
provision of a municipal ordinance that is substantially similar 502  
to any provision of this section, a misdemeanor of the third 503  
degree. 504

(2) If the offender has not previously been convicted of 505  
or pleaded guilty to a violation of any provision of this 506  
section or of any provision of a municipal ordinance that is 507  
substantially similar to this section and operated a motor 508  
vehicle faster than thirty-five miles an hour in a business 509  
district of a municipal corporation, faster than fifty miles an 510  
hour in other portions of a municipal corporation, or faster 511  
than thirty-five miles an hour in a school zone during recess or 512  
while children are going to or leaving school during the 513  
school's opening or closing hours, a misdemeanor of the fourth 514  
degree. 515

(3) Notwithstanding division ~~(P)~~(O)(1) of this section, if 516  
the offender operated a motor vehicle in a construction zone 517  
where a sign was then posted in accordance with section 4511.98 518  
of the Revised Code, the court, in addition to all other 519  
penalties provided by law, shall impose upon the offender a fine 520  
of two times the usual amount imposed for the violation. No 521  
court shall impose a fine of two times the usual amount imposed 522

for the violation upon an offender if the offender alleges, in 523  
an affidavit filed with the court prior to the offender's 524  
sentencing, that the offender is indigent and is unable to pay 525  
the fine imposed pursuant to this division and if the court 526  
determines that the offender is an indigent person and unable to 527  
pay the fine. 528

**Section 2.** That existing section 4511.21 of the Revised 529  
Code is hereby repealed. 530

**Section 3.** The Department of Transportation shall provide 531  
funding for all changes to standards affecting school zone 532  
signage or other school zone equipment that the Director of 533  
Transportation establishes as a result of this act. On September 534  
1, 2016, or as soon as possible thereafter, the Director of 535  
Transportation shall identify money in the Highway Operating 536  
Fund (Fund 7002) to be used to pay for this purpose, and the 537  
identified amount is hereby appropriated in the fiscal year 538  
ending June 30, 2017. 539