

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 465

Representative Manning, G.

A BILL

To amend section 4511.21 of the Revised Code to 1
authorize the creation of school zones around 2
specified preschools. 3

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

Section 1. That section 4511.21 of the Revised Code be 4
amended to read as follows: 5

Sec. 4511.21. (A) No person shall operate a motor vehicle, 6
trackless trolley, or streetcar at a speed greater or less than 7
is reasonable or proper, having due regard to the traffic, 8
surface, and width of the street or highway and any other 9
conditions, and no person shall drive any motor vehicle, 10
trackless trolley, or streetcar in and upon any street or 11
highway at a greater speed than will permit the person to bring 12
it to a stop within the assured clear distance ahead. 13

(B) It is prima-facie lawful, in the absence of a lower 14
limit declared or established pursuant to this section by the 15
director of transportation or local authorities, for the 16
operator of a motor vehicle, trackless trolley, or streetcar to 17
operate the same at a speed not exceeding the following: 18

(1) (a) Twenty miles per hour in school zones during school 19

recess and while children are going to or leaving school during 20
the opening or closing hours, and when twenty miles per hour 21
school speed limit signs are erected; except that, on 22
controlled-access highways and expressways, if the right-of-way 23
line fence has been erected without pedestrian opening, the 24
speed shall be governed by division (B)(4) of this section and 25
on freeways, if the right-of-way line fence has been erected 26
without pedestrian opening, the speed shall be governed by 27
divisions (B)(10) and (11) of this section. The end of every 28
school zone may be marked by a sign indicating the end of the 29
zone. Nothing in this section or in the manual and 30
specifications for a uniform system of traffic control devices 31
shall be construed to require school zones to be indicated by 32
signs equipped with flashing or other lights, or giving other 33
special notice of the hours in which the school zone speed limit 34
is in effect. 35

(b) As used in this section and in section 4511.212 of the 36
Revised Code, "school" means ~~any~~ all of the following: 37

(i) Any school chartered under section 3301.16 of the 38
Revised Code ~~and any;~~ 39

(ii) Any nonchartered school that during the preceding 40
year filed with the department of education in compliance with 41
rule 3301-35-08 of the Ohio Administrative Code, a copy of the 42
school's report for the parents of the school's pupils 43
certifying that the school meets Ohio minimum standards for 44
nonchartered, nontax-supported schools and presents evidence of 45
this filing to the jurisdiction from which it is requesting the 46
establishment of a school zone. ~~"School" also includes a;~~ 47

(iii) Any special elementary school that in writing 48
requests the county engineer of the county in which the special 49

elementary school is located to create a school zone at the 50
location of that school. Upon receipt of such a written request, 51
the county engineer shall create a school zone at that location 52
by erecting the appropriate signs. 53

(iv) Any preschool education program operated by an 54
educational service center that is located on a street or 55
highway with a speed limit of forty-five miles per hour or more. 56

(c) As used in this section, "school zone" means that 57
portion of a street or highway passing a school fronting upon 58
the street or highway that is encompassed by projecting the 59
school property lines to the fronting street or highway, and 60
also includes that portion of a state highway. Upon request from 61
local authorities for streets and highways under their 62
jurisdiction and that portion of a state highway under the 63
jurisdiction of the director of transportation or a request from 64
a county engineer in the case of a school zone for a special 65
elementary school, the director may extend the traditional 66
school zone boundaries. The distances in divisions (B) (1) (c) (i), 67
(ii), and (iii) of this section shall not exceed three hundred 68
feet per approach per direction and are bounded by whichever of 69
the following distances or combinations thereof the director 70
approves as most appropriate: 71

(i) The distance encompassed by projecting the school 72
building lines normal to the fronting highway and extending a 73
distance of three hundred feet on each approach direction; 74

(ii) The distance encompassed by projecting the school 75
property lines intersecting the fronting highway and extending a 76
distance of three hundred feet on each approach direction; 77

(iii) The distance encompassed by the special marking of 78

the pavement for a principal school pupil crosswalk plus a 79
distance of three hundred feet on each approach direction of the 80
highway. 81

Nothing in this section shall be construed to invalidate 82
the director's initial action on August 9, 1976, establishing 83
all school zones at the traditional school zone boundaries 84
defined by projecting school property lines, except when those 85
boundaries are extended as provided in divisions (B) (1) (a) and 86
(c) of this section. 87

(d) As used in this division, "crosswalk" has the meaning 88
given that term in division (LL) (2) of section 4511.01 of the 89
Revised Code. 90

The director may, upon request by resolution of the 91
legislative authority of a municipal corporation, the board of 92
trustees of a township, or a county board of developmental 93
disabilities created pursuant to Chapter 5126. of the Revised 94
Code, and upon submission by the municipal corporation, 95
township, or county board of such engineering, traffic, and 96
other information as the director considers necessary, designate 97
a school zone on any portion of a state route lying within the 98
municipal corporation, lying within the unincorporated territory 99
of the township, or lying adjacent to the property of a school 100
that is operated by such county board, that includes a crosswalk 101
customarily used by children going to or leaving a school during 102
recess and opening and closing hours, whenever the distance, as 103
measured in a straight line, from the school property line 104
nearest the crosswalk to the nearest point of the crosswalk is 105
no more than one thousand three hundred twenty feet. Such a 106
school zone shall include the distance encompassed by the 107
crosswalk and extending three hundred feet on each approach 108

direction of the state route.	109
(e) As used in this section, "special elementary school"	110
means a school that meets all of the following criteria:	111
(i) It is not chartered and does not receive tax revenue	112
from any source.	113
(ii) It does not educate children beyond the eighth grade.	114
(iii) It is located outside the limits of a municipal	115
corporation.	116
(iv) A majority of the total number of students enrolled	117
at the school are not related by blood.	118
(v) The principal or other person in charge of the special	119
elementary school annually sends a report to the superintendent	120
of the school district in which the special elementary school is	121
located indicating the total number of students enrolled at the	122
school, but otherwise the principal or other person in charge	123
does not report any other information or data to the	124
superintendent.	125
(2) Twenty-five miles per hour in all other portions of a	126
municipal corporation, except on state routes outside business	127
districts, through highways outside business districts, and	128
alleys;	129
(3) Thirty-five miles per hour on all state routes or	130
through highways within municipal corporations outside business	131
districts, except as provided in divisions (B) (4) and (6) of	132
this section;	133
(4) Fifty miles per hour on controlled-access highways and	134
expressways within municipal corporations, except as provided in	135
divisions (B) (12), (13), (14), (15), and (16) of this section;	136

(5) Fifty-five miles per hour on highways outside	137
municipal corporations, other than highways within island	138
jurisdictions as provided in division (B) (8) of this section,	139
highways as provided in divisions (B) (9) and (10) of this	140
section, and highways, expressways, and freeways as provided in	141
divisions (B) (12), (13), (14), and (16) of this section;	142
(6) Fifty miles per hour on state routes within municipal	143
corporations outside urban districts unless a lower prima-facie	144
speed is established as further provided in this section;	145
(7) Fifteen miles per hour on all alleys within the	146
municipal corporation;	147
(8) Thirty-five miles per hour on highways outside	148
municipal corporations that are within an island jurisdiction;	149
(9) Thirty-five miles per hour on through highways, except	150
state routes, that are outside municipal corporations and that	151
are within a national park with boundaries extending through two	152
or more counties;	153
(10) Sixty miles per hour on two-lane state routes outside	154
municipal corporations as established by the director under	155
division (H) (2) of this section;	156
(11) Fifty-five miles per hour on freeways with paved	157
shoulders inside municipal corporations, other than freeways as	158
provided in divisions (B) (14) and (16) of this section;	159
(12) Sixty miles per hour on rural expressways with	160
traffic control signals and on all portions of rural divided	161
highways, except as provided in divisions (B) (13) and (14) of	162
this section;	163
(13) Sixty-five miles per hour on all rural expressways	164

without traffic control signals;	165
(14) Seventy miles per hour on all rural freeways;	166
(15) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B) (16) of this section;	167 168 169 170 171
(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.	172 173 174
(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B) (1) (a), (2), (3), (4), (6), (7), (8), and (9) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.	175 176 177 178 179 180 181 182 183 184
(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:	185 186
(1) At a speed exceeding fifty-five miles per hour, except upon a two-lane state route as provided in division (B) (10) of this section and upon a highway, expressway, or freeway as provided in divisions (B) (12), (13), (14), and (16) of this section;	187 188 189 190 191
(2) At a speed exceeding sixty miles per hour upon a two- lane state route as provided in division (B) (10) of this section	192 193

and upon a highway as provided in division (B) (12) of this	194
section;	195
(3) At a speed exceeding sixty-five miles per hour upon an	196
expressway as provided in division (B) (13) or upon a freeway as	197
provided in division (B) (16) of this section, except upon a	198
freeway as provided in division (B) (14) of this section;	199
(4) At a speed exceeding seventy miles per hour upon a	200
freeway as provided in division (B) (14) of this section;	201
(5) At a speed exceeding the posted speed limit upon a	202
highway, expressway, or freeway for which the director has	203
determined and declared a speed limit pursuant to division (I)	204
(2) or (L) (2) of this section.	205
(E) In every charge of violation of this section the	206
affidavit and warrant shall specify the time, place, and speed	207
at which the defendant is alleged to have driven, and in charges	208
made in reliance upon division (C) of this section also the	209
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or	210
(9) of, or a limit declared or established pursuant to, this	211
section declares is prima-facie lawful at the time and place of	212
such alleged violation, except that in affidavits where a person	213
is alleged to have driven at a greater speed than will permit	214
the person to bring the vehicle to a stop within the assured	215
clear distance ahead the affidavit and warrant need not specify	216
the speed at which the defendant is alleged to have driven.	217
(F) When a speed in excess of both a prima-facie	218
limitation and a limitation in division (D) of this section is	219
alleged, the defendant shall be charged in a single affidavit,	220
alleging a single act, with a violation indicated of both	221
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this	222

section, or of a limit declared or established pursuant to this 223
section by the director or local authorities, and of the 224
limitation in division (D) of this section. If the court finds a 225
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 226
or (9) of, or a limit declared or established pursuant to, this 227
section has occurred, it shall enter a judgment of conviction 228
under such division and dismiss the charge under division (D) of 229
this section. If it finds no violation of division (B) (1) (a), 230
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 231
established pursuant to, this section, it shall then consider 232
whether the evidence supports a conviction under division (D) of 233
this section. 234

(G) Points shall be assessed for violation of a limitation 235
under division (D) of this section in accordance with section 236
4510.036 of the Revised Code. 237

(H) (1) Whenever the director determines upon the basis of 238
criteria established by an engineering study, as defined by the 239
director, that any speed limit set forth in divisions (B) (1) (a) 240
to (D) of this section is greater or less than is reasonable or 241
safe under the conditions found to exist at any portion of a 242
street or highway under the jurisdiction of the director, the 243
director shall determine and declare a reasonable and safe 244
prima-facie speed limit, which shall be effective when 245
appropriate signs giving notice of it are erected at the 246
location. 247

(2) Whenever the director determines upon the basis of 248
criteria established by an engineering study, as defined by the 249
director, that the speed limit of fifty-five miles per hour on a 250
two-lane state route outside a municipal corporation is less 251
than is reasonable or safe under the conditions found to exist 252

at that portion of the state route, the director may determine 253
and declare a speed limit of sixty miles per hour for that 254
portion of the state route, which shall be effective when 255
appropriate signs giving notice of it are erected at the 256
location. 257

(3) (a) For purposes of the safe and orderly movement of 258
traffic upon any portion of a street or highway under the 259
jurisdiction of the director, the director may establish a 260
variable speed limit that is different than the speed limit 261
established by or under this section on all or portions of 262
interstate six hundred seventy, interstate two hundred seventy- 263
five, and interstate ninety commencing at the intersection of 264
that interstate with interstate seventy-one and continuing to 265
the border of the state of Ohio with the state of Pennsylvania. 266
The director shall establish criteria for determining the 267
appropriate use of variable speed limits and shall establish 268
variable speed limits in accordance with the criteria. The 269
director may establish variable speed limits based upon the time 270
of day, weather conditions, traffic incidents, or other factors 271
that affect the safe speed on a street or highway. The director 272
shall not establish a variable speed limit that is based on a 273
particular type or class of vehicle. A variable speed limit 274
established by the director under this section is effective when 275
appropriate signs giving notice of the speed limit are displayed 276
at the location. 277

(b) Except for variable speed limits established under 278
division (H) (3) (a) of this section, the director shall establish 279
a variable speed limit under the authority granted to the 280
director by this section on not more than two additional 281
highways and only pursuant to criteria established in rules 282
adopted in accordance with Chapter 119. of the Revised Code. The 283

rules shall be based on the criteria described in division (H) 284
(3) (a) of this section. The rules also shall establish the 285
parameters of any engineering study necessary for determining 286
when variable speed limits are appropriate. 287

(4) Nothing in this section shall be construed to limit 288
the authority of the director to establish speed limits within a 289
construction zone as authorized under section 4511.98 of the 290
Revised Code. 291

(I) (1) Except as provided in divisions (I) (2), (J), (K), 292
and (N) of this section, whenever local authorities determine 293
upon the basis of criteria established by an engineering study, 294
as defined by the director, that the speed permitted by 295
divisions (B) (1) (a) to (D) of this section, on any part of a 296
highway under their jurisdiction, is greater than is reasonable 297
and safe under the conditions found to exist at such location, 298
the local authorities may by resolution request the director to 299
determine and declare a reasonable and safe prima-facie speed 300
limit. Upon receipt of such request the director may determine 301
and declare a reasonable and safe prima-facie speed limit at 302
such location, and if the director does so, then such declared 303
speed limit shall become effective only when appropriate signs 304
giving notice thereof are erected at such location by the local 305
authorities. The director may withdraw the declaration of a 306
prima-facie speed limit whenever in the director's opinion the 307
altered prima-facie speed limit becomes unreasonable. Upon such 308
withdrawal, the declared prima-facie speed limit shall become 309
ineffective and the signs relating thereto shall be immediately 310
removed by the local authorities. 311

(2) A local authority may determine on the basis of 312
criteria established by an engineering study, as defined by the 313

director, that the speed limit of sixty-five or seventy miles 314
per hour on a portion of a freeway under its jurisdiction is 315
greater than is reasonable or safe under the conditions found to 316
exist at that portion of the freeway. If the local authority 317
makes such a determination, the local authority by resolution 318
may request the director to determine and declare a reasonable 319
and safe speed limit of not less than fifty-five miles per hour 320
for that portion of the freeway. If the director takes such 321
action, the declared speed limit becomes effective only when 322
appropriate signs giving notice of it are erected at such 323
location by the local authority. 324

(J) Local authorities in their respective jurisdictions 325
may authorize by ordinance higher prima-facie speeds than those 326
stated in this section upon through highways, or upon highways 327
or portions thereof where there are no intersections, or between 328
widely spaced intersections, provided signs are erected giving 329
notice of the authorized speed, but local authorities shall not 330
modify or alter the basic rule set forth in division (A) of this 331
section or in any event authorize by ordinance a speed in excess 332
of the maximum speed permitted by division (D) of this section 333
for the specified type of highway. 334

Alteration of prima-facie limits on state routes by local 335
authorities shall not be effective until the alteration has been 336
approved by the director. The director may withdraw approval of 337
any altered prima-facie speed limits whenever in the director's 338
opinion any altered prima-facie speed becomes unreasonable, and 339
upon such withdrawal, the altered prima-facie speed shall become 340
ineffective and the signs relating thereto shall be immediately 341
removed by the local authorities. 342

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 343

this section, "unimproved highway" means a highway consisting of 344
any of the following: 345

- (a) Unimproved earth; 346
- (b) Unimproved graded and drained earth; 347
- (c) Gravel. 348

(2) Except as otherwise provided in divisions (K) (4) and 349
(5) of this section, whenever a board of township trustees 350
determines upon the basis of criteria established by an 351
engineering study, as defined by the director, that the speed 352
permitted by division (B) (5) of this section on any part of an 353
unimproved highway under its jurisdiction and in the 354
unincorporated territory of the township is greater than is 355
reasonable or safe under the conditions found to exist at the 356
location, the board may by resolution declare a reasonable and 357
safe prima-facie speed limit of fifty-five but not less than 358
twenty-five miles per hour. An altered speed limit adopted by a 359
board of township trustees under this division becomes effective 360
when appropriate traffic control devices, as prescribed in 361
section 4511.11 of the Revised Code, giving notice thereof are 362
erected at the location, which shall be no sooner than sixty 363
days after adoption of the resolution. 364

(3) (a) Whenever, in the opinion of a board of township 365
trustees, any altered prima-facie speed limit established by the 366
board under this division becomes unreasonable, the board may 367
adopt a resolution withdrawing the altered prima-facie speed 368
limit. Upon the adoption of such a resolution, the altered 369
prima-facie speed limit becomes ineffective and the traffic 370
control devices relating thereto shall be immediately removed. 371

(b) Whenever a highway ceases to be an unimproved highway 372

and the board has adopted an altered prima-facie speed limit 373
pursuant to division (K) (2) of this section, the board shall, by 374
resolution, withdraw the altered prima-facie speed limit as soon 375
as the highway ceases to be unimproved. Upon the adoption of 376
such a resolution, the altered prima-facie speed limit becomes 377
ineffective and the traffic control devices relating thereto 378
shall be immediately removed. 379

(4) (a) If the boundary of two townships rests on the 380
centerline of an unimproved highway in unincorporated territory 381
and both townships have jurisdiction over the highway, neither 382
of the boards of township trustees of such townships may declare 383
an altered prima-facie speed limit pursuant to division (K) (2) 384
of this section on the part of the highway under their joint 385
jurisdiction unless the boards of township trustees of both of 386
the townships determine, upon the basis of criteria established 387
by an engineering study, as defined by the director, that the 388
speed permitted by division (B) (5) of this section is greater 389
than is reasonable or safe under the conditions found to exist 390
at the location and both boards agree upon a reasonable and safe 391
prima-facie speed limit of less than fifty-five but not less 392
than twenty-five miles per hour for that location. If both 393
boards so agree, each shall follow the procedure specified in 394
division (K) (2) of this section for altering the prima-facie 395
speed limit on the highway. Except as otherwise provided in 396
division (K) (4) (b) of this section, no speed limit altered 397
pursuant to division (K) (4) (a) of this section may be withdrawn 398
unless the boards of township trustees of both townships 399
determine that the altered prima-facie speed limit previously 400
adopted becomes unreasonable and each board adopts a resolution 401
withdrawing the altered prima-facie speed limit pursuant to the 402
procedure specified in division (K) (3) (a) of this section. 403

(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 criteria established by an engineering study, as defined by the director, 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 434
entrances to which vehicular traffic from the majority of 435
intersecting highways is required to yield the right-of-way to 436
vehicles on such highways in obedience to stop or yield signs or 437
traffic control signals, is greater than is reasonable and safe 438
under the conditions found to exist at the location, the board 439
may by resolution declare a reasonable and safe prima-facie 440
speed limit of less than fifty-five but not less than twenty- 441
five miles per hour at the location. An altered speed limit 442
adopted by a board of township trustees under this division 443
shall become effective when appropriate signs giving notice 444
thereof are erected at the location by the township. Whenever, 445
in the opinion of a board of township trustees, any altered 446
prima-facie speed limit established by it under this division 447
becomes unreasonable, it may adopt a resolution withdrawing the 448
altered prima-facie speed, and upon such withdrawal, the altered 449
prima-facie speed shall become ineffective, and the signs 450
relating thereto shall be immediately removed by the township. 451

(L) (1) The director of transportation, based upon an 452
engineering study, as defined by the director, of a highway, 453
expressway, or freeway described in division (B) (12), (13), 454
(14), (15), or (16) of this section, in consultation with the 455
director of public safety and, if applicable, the local 456
authority having jurisdiction over the studied highway, 457
expressway, or freeway, may determine and declare that the speed 458
limit established on such highway, expressway, or freeway under 459
division (B) (12), (13), (14), (15), or (16) of this section 460
either is reasonable and safe or is more or less than that which 461
is reasonable and safe. 462

(2) If the established speed limit for a highway, 463
expressway, or freeway studied pursuant to division (L) (1) of 464

this section is determined to be more or less than that which is 465
reasonable and safe, the director of transportation, in 466
consultation with the director of public safety and, if 467
applicable, the local authority having jurisdiction over the 468
studied highway, expressway, or freeway, shall determine and 469
declare a reasonable and safe speed limit for that highway, 470
expressway, or freeway. 471

(M) (1) (a) If the boundary of two local authorities rests 472
on the centerline of a highway and both authorities have 473
jurisdiction over the highway, the speed limit for the part of 474
the highway within their joint jurisdiction shall be either one 475
of the following as agreed to by both authorities: 476

(i) Either prima-facie speed limit permitted by division 477
(B) of this section; 478

(ii) An altered speed limit determined and posted in 479
accordance with this section. 480

(b) If the local authorities are unable to reach an 481
agreement, the speed limit shall remain as established and 482
posted under this section. 483

(2) Neither local authority may declare an altered prima- 484
facie speed limit pursuant to this section on the part of the 485
highway under their joint jurisdiction unless both of the local 486
authorities determine, upon the basis of criteria established by 487
an engineering study, as defined by the director, that the speed 488
permitted by this section is greater than is reasonable or safe 489
under the conditions found to exist at the location and both 490
authorities agree upon a uniform reasonable and safe prima-facie 491
speed limit of less than fifty-five but not less than twenty- 492
five miles per hour for that location. If both authorities so 493

agree, each shall follow the procedure specified in this section 494
for altering the prima-facie speed limit on the highway, and the 495
speed limit for the part of the highway within their joint 496
jurisdiction shall be uniformly altered. No altered speed limit 497
may be withdrawn unless both local authorities determine that 498
the altered prima-facie speed limit previously adopted becomes 499
unreasonable and each adopts a resolution withdrawing the 500
altered prima-facie speed limit pursuant to the procedure 501
specified in this section. 502

(N) The legislative authority of a municipal corporation 503
or township in which a boarding school is located, by resolution 504
or ordinance, may establish a boarding school zone. The 505
legislative authority may alter the speed limit on any street or 506
highway within the boarding school zone and shall specify the 507
hours during which the altered speed limit is in effect. For 508
purposes of determining the boundaries of the boarding school 509
zone, the altered speed limit within the boarding school zone, 510
and the hours the altered speed limit is in effect, the 511
legislative authority shall consult with the administration of 512
the boarding school and with the county engineer or other 513
appropriate engineer, as applicable. A boarding school zone 514
speed limit becomes effective only when appropriate signs giving 515
notice thereof are erected at the appropriate locations. 516

(O) As used in this section: 517

(1) "Interstate system" has the same meaning as in 23 518
U.S.C. 101. 519

(2) "Commercial bus" means a motor vehicle designed for 520
carrying more than nine passengers and used for the 521
transportation of persons for compensation. 522

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

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

(5) "Rural" means 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.

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

(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.

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

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

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

(c) If, within one year of the offense, the offender

previously has been convicted of or pleaded guilty to three or 551
more violations of any provision of this section or of any 552
provision of a municipal ordinance that is substantially similar 553
to any provision of this section, a misdemeanor of the third 554
degree. 555

(2) If the offender has not previously been convicted of 556
or pleaded guilty to a violation of any provision of this 557
section or of any provision of a municipal ordinance that is 558
substantially similar to this section and operated a motor 559
vehicle faster than thirty-five miles an hour in a business 560
district of a municipal corporation, faster than fifty miles an 561
hour in other portions of a municipal corporation, or faster 562
than thirty-five miles an hour in a school zone during recess or 563
while children are going to or leaving school during the 564
school's opening or closing hours, a misdemeanor of the fourth 565
degree. 566

(3) Notwithstanding division (P)(1) of this section, if 567
the offender operated a motor vehicle in a construction zone 568
where a sign was then posted in accordance with section 4511.98 569
of the Revised Code, the court, in addition to all other 570
penalties provided by law, shall impose upon the offender a fine 571
of two times the usual amount imposed for the violation. No 572
court shall impose a fine of two times the usual amount imposed 573
for the violation upon an offender if the offender alleges, in 574
an affidavit filed with the court prior to the offender's 575
sentencing, that the offender is indigent and is unable to pay 576
the fine imposed pursuant to this division and if the court 577
determines that the offender is an indigent person and unable to 578
pay the fine. 579

(4) If the offender commits the offense while distracted 580

and the distracting activity is a contributing factor to the 581
commission of the offense, the offender is subject to the 582
additional fine established under section 4511.991 of the 583
Revised Code. 584

Section 2. That existing section 4511.21 of the Revised 585
Code is hereby repealed. 586