

As Introduced

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

H. B. No. 494

**Representative Creech
Cosponsor: Representative Weinstein**



A BILL

To amend section 4511.21 of the Revised Code to
authorize a municipal corporation, county, and
township to establish a school adjacent speed
zone on any street or highway within a half mile
of certain schools.

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

operator of a motor vehicle, trackless trolley, or streetcar to 19
operate the same at a speed not exceeding the following: 20

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

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

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

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

establishment of a school zone; 49

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

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

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

approves as most appropriate: 79

(i) The distance encompassed by projecting the school 80
building lines normal to the fronting highway and extending a 81
distance of three hundred feet on each approach direction; 82

(ii) The distance encompassed by projecting the school 83
property lines intersecting the fronting highway and extending a 84
distance of three hundred feet on each approach direction; 85

(iii) The distance encompassed by the special marking of 86
the pavement for a principal school pupil crosswalk plus a 87
distance of three hundred feet on each approach direction of the 88
highway. 89

Nothing in this section shall be construed to invalidate 90
the director's initial action on August 9, 1976, establishing 91
all school zones at the traditional school zone boundaries 92
defined by projecting school property lines, except when those 93
boundaries are extended as provided in divisions (B) (1) (a) and 94
(c) of this section. 95

(d) As used in this division, "crosswalk" has the meaning 96
given that term in division (LL) (2) of section 4511.01 of the 97
Revised Code. 98

The director may, upon request by resolution of the 99
legislative authority of a municipal corporation, the board of 100
trustees of a township, or a county board of developmental 101
disabilities created pursuant to Chapter 5126. of the Revised 102
Code, and upon submission by the municipal corporation, 103
township, or county board of such engineering, traffic, and 104
other information as the director considers necessary, designate 105
a school zone on any portion of a state route lying within the 106
municipal corporation, lying within the unincorporated territory 107

of the township, or lying adjacent to the property of a school 108
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, except as provided in	143
divisions (B)(12), (13), (14), (15), and (16) of this section;	144
(5) Fifty-five miles per hour on highways outside	145
municipal corporations, other than highways within island	146
jurisdictions as provided in division (B)(8) of this section,	147
highways as provided in divisions (B)(9) and (10) of this	148
section, and highways, expressways, and freeways as provided in	149
divisions (B)(12), (13), (14), and (16) of this section;	150
(6) Fifty miles per hour on state routes within municipal	151
corporations outside urban districts unless a lower prima-facie	152
speed is established as further provided in this section;	153
(7) Fifteen miles per hour on all alleys within the	154
municipal corporation;	155
(8) Thirty-five miles per hour on highways outside	156
municipal corporations that are within an island jurisdiction;	157
(9) Thirty-five miles per hour on through highways, except	158
state routes, that are outside municipal corporations and that	159
are within a national park with boundaries extending through two	160
or more counties;	161
(10) Sixty miles per hour on two-lane state routes outside	162
municipal corporations as established by the director under	163
division (H)(2) of this section;	164

(11) Fifty-five miles per hour on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B) (14) and (16) of this section;	165 166 167
(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B) (13) and (14) of this section;	168 169 170 171
(13) Sixty-five miles per hour on all rural expressways without traffic control signals;	172 173
(14) Seventy miles per hour on all rural freeways;	174
(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;	175 176 177 178 179
(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.	180 181 182
(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.	183 184 185 186 187 188 189 190 191 192
(D) No person shall operate a motor vehicle, trackless	193

trolley, or streetcar upon a street or highway as follows:	194
(1) At a speed exceeding fifty-five miles per hour, except	195
upon a two-lane state route as provided in division (B) (10) of	196
this section and upon a highway, expressway, or freeway as	197
provided in divisions (B) (12), (13), (14), and (16) of this	198
section;	199
(2) At a speed exceeding sixty miles per hour upon a two-	200
lane state route as provided in division (B) (10) of this section	201
and upon a highway as provided in division (B) (12) of this	202
section;	203
(3) At a speed exceeding sixty-five miles per hour upon an	204
expressway as provided in division (B) (13) or upon a freeway as	205
provided in division (B) (16) of this section, except upon a	206
freeway as provided in division (B) (14) of this section;	207
(4) At a speed exceeding seventy miles per hour upon a	208
freeway as provided in division (B) (14) of this section;	209
(5) At a speed exceeding the posted speed limit upon a	210
highway, expressway, or freeway for which the director has	211
determined and declared a speed limit pursuant to division (I)	212
(2) or (L) (2) of this section.	213
(E) In every charge of violation of this section the	214
affidavit and warrant shall specify the time, place, and speed	215
at which the defendant is alleged to have driven, and in charges	216
made in reliance upon division (C) of this section also the	217
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or	218
(9) of, or a limit declared or established pursuant to, this	219
section declares is prima-facie lawful at the time and place of	220
such alleged violation, except that in affidavits where a person	221
is alleged to have driven at a greater speed than will permit	222

the person to bring the vehicle to a stop within the assured 223
clear distance ahead the affidavit and warrant need not specify 224
the speed at which the defendant is alleged to have driven. 225

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

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

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

prima-facie speed limit, which shall be effective when 253
appropriate signs giving notice of it are erected at the 254
location. 255

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

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

appropriate signs giving notice of the speed limit are displayed 284
at the location. 285

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

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

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

location by the local authorities. The director may withdraw the 314
declaration of a prima-facie speed limit whenever in the 315
director's opinion the altered prima-facie speed limit becomes 316
unreasonable. Upon such withdrawal, the declared prima-facie 317
speed limit shall become ineffective and the signs relating 318
thereto shall be immediately removed by the local authorities. 319

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

(J) Local authorities in their respective jurisdictions 333
may authorize by ordinance higher prima-facie speeds than those 334
stated in this section upon through highways, or upon highways 335
or portions thereof where there are no intersections, or between 336
widely spaced intersections, provided signs are erected giving 337
notice of the authorized speed, but local authorities shall not 338
modify or alter the basic rule set forth in division (A) of this 339
section or in any event authorize by ordinance a speed in excess 340
of the maximum speed permitted by division (D) of this section 341
for the specified type of highway. 342

Alteration of prima-facie limits on state routes by local 343

authorities shall not be effective until the alteration has been 344
approved by the director. The director may withdraw approval of 345
any altered prima-facie speed limits whenever in the director's 346
opinion any altered prima-facie speed becomes unreasonable, and 347
upon such withdrawal, the altered prima-facie speed shall become 348
ineffective and the signs relating thereto shall be immediately 349
removed by the local authorities. 350

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 351
this section, "unimproved highway" means a highway consisting of 352
any of the following: 353

- (a) Unimproved earth; 354
- (b) Unimproved graded and drained earth; 355
- (c) Gravel. 356

(2) Except as otherwise provided in divisions (K) (4) and 357
(5) of this section, whenever a board of township trustees 358
determines upon the basis of criteria established by an 359
engineering study, as defined by the director, that the speed 360
permitted by division (B) (5) of this section on any part of an 361
unimproved highway under its jurisdiction and in the 362
unincorporated territory of the township is greater than is 363
reasonable or safe under the conditions found to exist at the 364
location, the board may by resolution declare a reasonable and 365
safe prima-facie speed limit of fifty-five but not less than 366
twenty-five miles per hour. An altered speed limit adopted by a 367
board of township trustees under this division becomes effective 368
when appropriate traffic control devices, as prescribed in 369
section 4511.11 of the Revised Code, giving notice thereof are 370
erected at the location, which shall be no sooner than sixty 371
days after adoption of the resolution. 372

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

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

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

speed limit on the highway. Except as otherwise provided in 404
division (K) (4) (b) of this section, no speed limit altered 405
pursuant to division (K) (4) (a) of this section may be withdrawn 406
unless the boards of township trustees of both townships 407
determine that the altered prima-facie speed limit previously 408
adopted becomes unreasonable and each board adopts a resolution 409
withdrawing the altered prima-facie speed limit pursuant to the 410
procedure specified in division (K) (3) (a) of this section. 411

(b) Whenever a highway described in division (K) (4) (a) of 412
this section ceases to be an unimproved highway and two boards 413
of township trustees have adopted an altered prima-facie speed 414
limit pursuant to division (K) (4) (a) of this section, both 415
boards shall, by resolution, withdraw the altered prima-facie 416
speed limit as soon as the highway ceases to be unimproved. Upon 417
the adoption of the resolution, the altered prima-facie speed 418
limit becomes ineffective and the traffic control devices 419
relating thereto shall be immediately removed. 420

(5) As used in division (K) (5) of this section: 421

(a) "Commercial subdivision" means any platted territory 422
outside the limits of a municipal corporation and fronting a 423
highway where, for a distance of three hundred feet or more, the 424
frontage is improved with buildings in use for commercial 425
purposes, or where the entire length of the highway is less than 426
three hundred feet long and the frontage is improved with 427
buildings in use for commercial purposes. 428

(b) "Residential subdivision" means any platted territory 429
outside the limits of a municipal corporation and fronting a 430
highway, where, for a distance of three hundred feet or more, 431
the frontage is improved with residences or residences and 432
buildings in use for business, or where the entire length of the 433

highway is less than three hundred feet long and the frontage is 434
improved with residences or residences and buildings in use for 435
business. 436

Whenever a board of township trustees finds upon the basis 437
of criteria established by an engineering study, as defined by 438
the director, that the prima-facie speed permitted by division 439
(B) (5) of this section on any part of a highway under its 440
jurisdiction that is located in a commercial or residential 441
subdivision, except on highways or portions thereof at the 442
entrances to which vehicular traffic from the majority of 443
intersecting highways is required to yield the right-of-way to 444
vehicles on such highways in obedience to stop or yield signs or 445
traffic control signals, is greater than is reasonable and safe 446
under the conditions found to exist at the location, the board 447
may by resolution declare a reasonable and safe prima-facie 448
speed limit of less than fifty-five but not less than twenty- 449
five miles per hour at the location. An altered speed limit 450
adopted by a board of township trustees under this division 451
shall become effective when appropriate signs giving notice 452
thereof are erected at the location by the township. Whenever, 453
in the opinion of a board of township trustees, any altered 454
prima-facie speed limit established by it under this division 455
becomes unreasonable, it may adopt a resolution withdrawing the 456
altered prima-facie speed, and upon such withdrawal, the altered 457
prima-facie speed shall become ineffective, and the signs 458
relating thereto shall be immediately removed by the township. 459

(L) (1) The director of transportation, based upon an 460
engineering study, as defined by the director, of a highway, 461
expressway, or freeway described in division (B) (12), (13), 462
(14), (15), or (16) of this section, in consultation with the 463
director of public safety and, if applicable, the local 464

authority having jurisdiction over the studied highway, 465
expressway, or freeway, may determine and declare that the speed 466
limit established on such highway, expressway, or freeway under 467
division (B) (12), (13), (14), (15), or (16) of this section 468
either is reasonable and safe or is more or less than that which 469
is reasonable and safe. 470

(2) If the established speed limit for a highway, 471
expressway, or freeway studied pursuant to division (L) (1) of 472
this section is determined to be more or less than that which is 473
reasonable and safe, the director of transportation, in 474
consultation with the director of public safety and, if 475
applicable, the local authority having jurisdiction over the 476
studied highway, expressway, or freeway, shall determine and 477
declare a reasonable and safe speed limit for that highway, 478
expressway, or freeway. 479

(M) (1) (a) If the boundary of two local authorities rests 480
on the centerline of a highway and both authorities have 481
jurisdiction over the highway, the speed limit for the part of 482
the highway within their joint jurisdiction shall be either one 483
of the following as agreed to by both authorities: 484

(i) Either prima-facie speed limit permitted by division 485
(B) of this section; 486

(ii) An altered speed limit determined and posted in 487
accordance with this section. 488

(b) If the local authorities are unable to reach an 489
agreement, the speed limit shall remain as established and 490
posted under this section. 491

(2) Neither local authority may declare an altered prima- 492
facie speed limit pursuant to this section on the part of the 493

highway under their joint jurisdiction unless both of the local 494
authorities determine, upon the basis of criteria established by 495
an engineering study, as defined by the director, that the speed 496
permitted by this section is greater than is reasonable or safe 497
under the conditions found to exist at the location and both 498
authorities agree upon a uniform reasonable and safe prima-facie 499
speed limit of less than fifty-five but not less than twenty- 500
five miles per hour for that location. If both authorities so 501
agree, each shall follow the procedure specified in this section 502
for altering the prima-facie speed limit on the highway, and the 503
speed limit for the part of the highway within their joint 504
jurisdiction shall be uniformly altered. No altered speed limit 505
may be withdrawn unless both local authorities determine that 506
the altered prima-facie speed limit previously adopted becomes 507
unreasonable and each adopts a resolution withdrawing the 508
altered prima-facie speed limit pursuant to the procedure 509
specified in this section. 510

(N) The legislative authority of a municipal corporation 511
or township in which a boarding school is located, by resolution 512
or ordinance, may establish a boarding school zone. The 513
legislative authority may alter the speed limit on any street or 514
highway within the boarding school zone and shall specify the 515
hours during which the altered speed limit is in effect. For 516
purposes of determining the boundaries of the boarding school 517
zone, the altered speed limit within the boarding school zone, 518
and the hours the altered speed limit is in effect, the 519
legislative authority shall consult with the administration of 520
the boarding school and with the county engineer or other 521
appropriate engineer, as applicable. A boarding school zone 522
speed limit becomes effective only when appropriate signs giving 523
notice thereof are erected at the appropriate locations. 524

(O) As an alternative to a school zone designated under 525
division (B)(1) of this section, the legislative authority of a 526
municipal corporation, county, or township in which a school is 527
located, by resolution, may propose the establishment of a 528
school adjacent zone on any street or highway that is within a 529
half mile of a school. The resolution shall designate the 530
proposed speed limit on each such road or highway within the 531
school adjacent zone and the hours when those speed limits shall 532
be in effect. Prior to adoption of the resolution, the 533
legislative authority shall consult with the administration of 534
the school and the county engineer or other appropriate 535
engineer, as applicable. After adoption of the resolution, the 536
legislative authority shall submit the resolution for approval 537
to the director of transportation. If the director approves the 538
resolution, the legislative authority may alter the speed limits 539
within the school adjacent zone as designated in the resolution 540
during the hours specified in the resolution. A school adjacent 541
zone speed limit becomes effective only when appropriate signs 542
giving notice thereof are erected at the appropriate locations. 543

(P) As used in this section: 544

(1) "Interstate system" has the same meaning as in 23 545
U.S.C. 101. 546

(2) "Commercial bus" means a motor vehicle designed for 547
carrying more than nine passengers and used for the 548
transportation of persons for compensation. 549

(3) "Noncommercial bus" includes but is not limited to a 550
school bus or a motor vehicle operated solely for the 551
transportation of persons associated with a charitable or 552
nonprofit organization. 553

(4) "Outerbelt" means a portion of a freeway that is part 554
of the interstate system and is located in the outer vicinity of 555
a major municipal corporation or group of municipal 556
corporations, as designated by the director. 557

(5) "Rural" means an area outside urbanized areas and 558
outside of a business or urban district, and areas that extend 559
within urbanized areas where the roadway characteristics remain 560
mostly unchanged from those outside the urbanized areas. 561

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 562
101. 563

(7) "Divided" means a roadway having two or more travel 564
lanes for vehicles moving in opposite directions and that is 565
separated by a median of more than four feet, excluding turn 566
lanes. 567

~~(P) (1)~~ (Q) (1) A violation of any provision of this section 568
is one of the following: 569

(a) Except as otherwise provided in divisions ~~(P) (1) (b)~~ (Q) 570
(1) (b), (1) (c), (2), and (3) of this section, a minor 571
misdemeanor; 572

(b) If, within one year of the offense, the offender 573
previously has been convicted of or pleaded guilty to two 574
violations of any provision of this section or of any provision 575
of a municipal ordinance that is substantially similar to any 576
provision of this section, a misdemeanor of the fourth degree; 577

(c) If, within one year of the offense, the offender 578
previously has been convicted of or pleaded guilty to three or 579
more violations of any provision of this section or of any 580
provision of a municipal ordinance that is substantially similar 581
to any provision of this section, a misdemeanor of the third 582

degree. 583

(2) If the offender has not previously been convicted of 584
or pleaded guilty to a violation of any provision of this 585
section or of any provision of a municipal ordinance that is 586
substantially similar to this section and operated a motor 587
vehicle faster than thirty-five miles an hour in a business 588
district of a municipal corporation, faster than fifty miles an 589
hour in other portions of a municipal corporation, or faster 590
than thirty-five miles an hour in a school zone during recess or 591
while children are going to or leaving school during the 592
school's opening or closing hours, a misdemeanor of the fourth 593
degree. 594

(3) Notwithstanding division ~~(P)(1)~~ (Q)(1) of this 595
section, if the offender operated a motor vehicle in a 596
construction zone where a sign was then posted in accordance 597
with section 4511.98 of the Revised Code, the court, in addition 598
to all other penalties provided by law, shall impose upon the 599
offender a fine of two times the usual amount imposed for the 600
violation. No court shall impose a fine of two times the usual 601
amount imposed for the violation upon an offender if the 602
offender alleges, in an affidavit filed with the court prior to 603
the offender's sentencing, that the offender is indigent and is 604
unable to pay the fine imposed pursuant to this division and if 605
the court determines that the offender is an indigent person and 606
unable to pay the fine. 607

(4) If the offender commits the offense while distracted 608
and the distracting activity is a contributing factor to the 609
commission of the offense, the offender is subject to the 610
additional fine established under section 4511.991 of the 611
Revised Code. 612

Section 2. That existing section 4511.21 of the Revised Code is hereby repealed. 613
614