

As Introduced

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

S. B. No. 85

Senator Maharath

A BILL

To amend section 4511.21 of the Revised Code to 1
establish signage requirements for indicating 2
school zones for speed limit purposes, and to 3
make an appropriation. 4

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

Section 1. That section 4511.21 of the Revised Code be 5
amended to read as follows: 6

Sec. 4511.21. (A) No person shall operate a motor vehicle, 7
trackless trolley, or streetcar at a speed greater or less than 8
is reasonable or proper, having due regard to the traffic, 9
surface, and width of the street or highway and any other 10
conditions, and no person shall drive any motor vehicle, 11
trackless trolley, or streetcar in and upon any street or 12
highway at a greater speed than will permit the person to bring 13
it to a stop within the assured clear distance ahead. 14

(B) It is prima-facie lawful, in the absence of a lower 15
limit declared or established pursuant to this section by the 16
director of transportation or local authorities, for the 17
operator of a motor vehicle, trackless trolley, or streetcar to 18
operate the same at a speed not exceeding the following: 19

(1) (a) Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except that, on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B) (4) of this section and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (B) (10) and (11) of this section. ~~The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to~~

The beginning of a school zone shall be indicated marked either by signs a sign equipped with flashing or other lights, that indicate that the school zone speed limit is in effect or giving other special by a sign that gives notice of the hours in which the school zone speed limit is in effect. Signs equipped with flashing or other lights shall be activated by a time clock, an automatic device, or manually. The director of transportation shall establish adequate standards governing the use of flashing or other lights to indicate a school zone and the use of signs giving notice of the hours in which a school zone speed limit is in effect. The end of every school zone shall be marked by a sign indicating the end of the zone.

(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 51
school's pupils certifying that the school meets Ohio minimum 52
standards for nonchartered, nontax-supported schools and 53
presents evidence of this filing to the jurisdiction from which 54
it is requesting the establishment of a school zone. "School" 55
also includes a special elementary school that in writing 56
requests the county engineer of the county in which the special 57
elementary school is located to create a school zone at the 58
location of that school. Upon receipt of such a written request, 59
the county engineer shall create a school zone at that location 60
by erecting the appropriate signs. 61

(c) As used in this section, "school zone" means that 62
portion of a street or highway passing a school fronting upon 63
the street or highway that is encompassed by projecting the 64
school property lines to the fronting street or highway, and 65
also includes that portion of a state highway. Upon request from 66
local authorities for streets and highways under their 67
jurisdiction and that portion of a state highway under the 68
jurisdiction of the director of transportation or a request from 69
a county engineer in the case of a school zone for a special 70
elementary school, the director may extend the traditional 71
school zone boundaries. The distances in divisions (B) (1) (c) (i), 72
(ii), and (iii) of this section shall not exceed three hundred 73
feet per approach per direction and are bounded by whichever of 74
the following distances or combinations thereof the director 75
approves as most appropriate: 76

(i) The distance encompassed by projecting the school 77
building lines normal to the fronting highway and extending a 78
distance of three hundred feet on each approach direction; 79

(ii) The distance encompassed by projecting the school 80

property lines intersecting the fronting highway and extending a 81
distance of three hundred feet on each approach direction; 82

(iii) The distance encompassed by the special marking of 83
the pavement for a principal school pupil crosswalk plus a 84
distance of three hundred feet on each approach direction of the 85
highway. 86

Nothing in this section shall be construed to invalidate 87
the director's initial action on August 9, 1976, establishing 88
all school zones at the traditional school zone boundaries 89
defined by projecting school property lines, except when those 90
boundaries are extended as provided in divisions (B) (1) (a) and 91
(c) of this section. 92

(d) As used in this division, "crosswalk" has the meaning 93
given that term in division (LL) (2) of section 4511.01 of the 94
Revised Code. 95

The director may, upon request by resolution of the 96
legislative authority of a municipal corporation, the board of 97
trustees of a township, or a county board of developmental 98
disabilities created pursuant to Chapter 5126. of the Revised 99
Code, and upon submission by the municipal corporation, 100
township, or county board of such engineering, traffic, and 101
other information as the director considers necessary, designate 102
a school zone on any portion of a state route lying within the 103
municipal corporation, lying within the unincorporated territory 104
of the township, or lying adjacent to the property of a school 105
that is operated by such county board, that includes a crosswalk 106
customarily used by children going to or leaving a school during 107
recess and opening and closing hours, whenever the distance, as 108
measured in a straight line, from the school property line 109
nearest the crosswalk to the nearest point of the crosswalk is 110

no more than one thousand three hundred twenty feet. Such a 111
school zone shall include the distance encompassed by the 112
crosswalk and extending three hundred feet on each approach 113
direction of the state route. 114

(e) As used in this section, "special elementary school" 115
means a school that meets all of the following criteria: 116

(i) It is not chartered and does not receive tax revenue 117
from any source. 118

(ii) It does not educate children beyond the eighth grade. 119

(iii) It is located outside the limits of a municipal 120
corporation. 121

(iv) A majority of the total number of students enrolled 122
at the school are not related by blood. 123

(v) The principal or other person in charge of the special 124
elementary school annually sends a report to the superintendent 125
of the school district in which the special elementary school is 126
located indicating the total number of students enrolled at the 127
school, but otherwise the principal or other person in charge 128
does not report any other information or data to the 129
superintendent. 130

(2) Twenty-five miles per hour in all other portions of a 131
municipal corporation, except on state routes outside business 132
districts, through highways outside business districts, and 133
alleys; 134

(3) Thirty-five miles per hour on all state routes or 135
through highways within municipal corporations outside business 136
districts, except as provided in divisions (B)(4) and (6) of 137
this section; 138

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;	139 140
(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B) (8) of this section, highways as provided in divisions (B) (9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B) (13), (14), (15), and (17) of this section;	141 142 143 144 145 146
(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;	147 148 149
(7) Fifteen miles per hour on all alleys within the municipal corporation;	150 151
(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;	152 153
(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;	154 155 156 157
(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section;	158 159 160
(11) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B) (15) and (17) of this section;	161 162 163 164
(12) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided	165 166

in divisions (B) (15) and (17) of this section;	167
(13) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;	168 169
(14) Sixty-five miles per hour for operators of any motor vehicle at all times on all rural expressways without traffic control signals;	170 171 172
(15) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways;	173 174
(16) 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;	175 176 177 178 179
(17) 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.	180 181 182 183 184
(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.	185 186 187 188 189 190 191 192 193 194
(D) No person shall operate a motor vehicle, trackless	195

trolley, or streetcar upon a street or highway as follows:	196
(1) At a speed exceeding fifty-five miles per hour, except	197
upon a two-lane state route as provided in division (B) (10) of	198
this section and upon a highway, expressway, or freeway as	199
provided in divisions (B) (13), (14), (15), and (17) of this	200
section;	201
(2) At a speed exceeding sixty miles per hour upon a two-	202
lane state route as provided in division (B) (10) of this section	203
and upon a highway as provided in division (B) (13) of this	204
section;	205
(3) At a speed exceeding sixty-five miles per hour upon an	206
expressway as provided in division (B) (14) or upon a freeway as	207
provided in division (B) (17) of this section, except upon a	208
freeway as provided in division (B) (15) of this section;	209
(4) At a speed exceeding seventy miles per hour upon a	210
freeway as provided in division (B) (15) of this section;	211
(5) At a speed exceeding the posted speed limit upon a	212
highway, expressway, or freeway for which the director has	213
determined and declared a speed limit pursuant to division (I)	214
(2) or (L) (2) of this section.	215
(E) In every charge of violation of this section the	216
affidavit and warrant shall specify the time, place, and speed	217
at which the defendant is alleged to have driven, and in charges	218
made in reliance upon division (C) of this section also the	219
speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or	220
(9) of, or a limit declared or established pursuant to, this	221
section declares is prima-facie lawful at the time and place of	222
such alleged violation, except that in affidavits where a person	223
is alleged to have driven at a greater speed than will permit	224

the person to bring the vehicle to a stop within the assured 225
clear distance ahead the affidavit and warrant need not specify 226
the speed at which the defendant is alleged to have driven. 227

(F) When a speed in excess of both a prima-facie 228
limitation and a limitation in division (D) of this section is 229
alleged, the defendant shall be charged in a single affidavit, 230
alleging a single act, with a violation indicated of both 231
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 232
section, or of a limit declared or established pursuant to this 233
section by the director or local authorities, and of the 234
limitation in division (D) of this section. If the court finds a 235
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 236
or (9) of, or a limit declared or established pursuant to, this 237
section has occurred, it shall enter a judgment of conviction 238
under such division and dismiss the charge under division (D) of 239
this section. If it finds no violation of division (B) (1) (a), 240
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 241
established pursuant to, this section, it shall then consider 242
whether the evidence supports a conviction under division (D) of 243
this section. 244

(G) Points shall be assessed for violation of a limitation 245
under division (D) of this section in accordance with section 246
4510.036 of the Revised Code. 247

(H) (1) Whenever the director determines upon the basis of 248
a geometric and traffic characteristic study that any speed 249
limit set forth in divisions (B) (1) (a) to (D) of this section is 250
greater or less than is reasonable or safe under the conditions 251
found to exist at any portion of a street or highway under the 252
jurisdiction of the director, the director shall determine and 253
declare a reasonable and safe prima-facie speed limit, which 254

shall be effective when appropriate signs giving notice of it 255
are erected at the location. 256

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

(3) 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

(4) Nothing in this section shall be construed to limit 286
the authority of the director to establish speed limits within a 287
construction zone as authorized under section 4511.98 of the 288
Revised Code. 289

(I) (1) Except as provided in divisions (I) (2) and (K) of 290
this section, whenever local authorities determine upon the 291
basis of an engineering and traffic investigation that the speed 292
permitted by divisions (B) (1) (a) to (D) of this section, on any 293
part of a highway under their jurisdiction, is greater than is 294
reasonable and safe under the conditions found to exist at such 295
location, the local authorities may by resolution request the 296
director to determine and declare a reasonable and safe prima- 297
facie speed limit. Upon receipt of such request the director may 298
determine and declare a reasonable and safe prima-facie speed 299
limit at such location, and if the director does so, then such 300
declared speed limit shall become effective only when 301
appropriate signs giving notice thereof are erected at such 302
location by the local authorities. The director may withdraw the 303
declaration of a prima-facie speed limit whenever in the 304
director's opinion the altered prima-facie speed becomes 305
unreasonable. Upon such withdrawal, the declared prima-facie 306
speed shall become ineffective and the signs relating thereto 307
shall be immediately removed by the local authorities. 308

(2) A local authority may determine on the basis of a 309
geometric and traffic characteristic study that the speed limit 310
of sixty-five miles per hour on a portion of a freeway under its 311
jurisdiction that was established through the operation of 312
division (L) (3) of this section is greater than is reasonable or 313
safe under the conditions found to exist at that portion of the 314
freeway. If the local authority makes such a determination, the 315
local authority by resolution may request the director to 316

determine and declare a reasonable and safe speed limit of not 317
less than fifty-five miles per hour for that portion of the 318
freeway. If the director takes such action, the declared speed 319
limit becomes effective only when appropriate signs giving 320
notice of it are erected at such location by the local 321
authority. 322

(J) Local authorities in their respective jurisdictions 323
may authorize by ordinance higher prima-facie speeds than those 324
stated in this section upon through highways, or upon highways 325
or portions thereof where there are no intersections, or between 326
widely spaced intersections, provided signs are erected giving 327
notice of the authorized speed, but local authorities shall not 328
modify or alter the basic rule set forth in division (A) of this 329
section or in any event authorize by ordinance a speed in excess 330
of fifty miles per hour. 331

Alteration of prima-facie limits on state routes by local 332
authorities shall not be effective until the alteration has been 333
approved by the director. The director may withdraw approval of 334
any altered prima-facie speed limits whenever in the director's 335
opinion any altered prima-facie speed becomes unreasonable, and 336
upon such withdrawal, the altered prima-facie speed shall become 337
ineffective and the signs relating thereto shall be immediately 338
removed by the local authorities. 339

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 340
this section, "unimproved highway" means a highway consisting of 341
any of the following: 342

- (a) Unimproved earth; 343
- (b) Unimproved graded and drained earth; 344
- (c) Gravel. 345

(2) Except as otherwise provided in divisions (K) (4) and 346
(5) of this section, whenever a board of township trustees 347
determines upon the basis of an engineering and traffic 348
investigation that the speed permitted by division (B) (5) of 349
this section on any part of an unimproved highway under its 350
jurisdiction and in the unincorporated territory of the township 351
is greater than is reasonable or safe under the conditions found 352
to exist at the location, the board may by resolution declare a 353
reasonable and safe prima-facie speed limit of fifty-five but 354
not less than twenty-five miles per hour. An altered speed limit 355
adopted by a board of township trustees under this division 356
becomes effective when appropriate traffic control devices, as 357
prescribed in section 4511.11 of the Revised Code, giving notice 358
thereof are erected at the location, which shall be no sooner 359
than sixty days after adoption of the resolution. 360

(3) (a) Whenever, in the opinion of a board of township 361
trustees, any altered prima-facie speed limit established by the 362
board under this division becomes unreasonable, the board may 363
adopt a resolution withdrawing the altered prima-facie speed 364
limit. Upon the adoption of such a resolution, the altered 365
prima-facie speed limit becomes ineffective and the traffic 366
control devices relating thereto shall be immediately removed. 367

(b) Whenever a highway ceases to be an unimproved highway 368
and the board has adopted an altered prima-facie speed limit 369
pursuant to division (K) (2) of this section, the board shall, by 370
resolution, withdraw the altered prima-facie speed limit as soon 371
as the highway ceases to be unimproved. Upon the adoption of 372
such a resolution, the altered prima-facie speed limit becomes 373
ineffective and the traffic control devices relating thereto 374
shall be immediately removed. 375

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

(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 407
relating thereto shall be immediately removed. 408

(5) As used in division (K) (5) of this section: 409

(a) "Commercial subdivision" means any platted territory 410
outside the limits of a municipal corporation and fronting a 411
highway where, for a distance of three hundred feet or more, the 412
frontage is improved with buildings in use for commercial 413
purposes, or where the entire length of the highway is less than 414
three hundred feet long and the frontage is improved with 415
buildings in use for commercial purposes. 416

(b) "Residential subdivision" means any platted territory 417
outside the limits of a municipal corporation and fronting a 418
highway, where, for a distance of three hundred feet or more, 419
the frontage is improved with residences or residences and 420
buildings in use for business, or where the entire length of the 421
highway is less than three hundred feet long and the frontage is 422
improved with residences or residences and buildings in use for 423
business. 424

Whenever a board of township trustees finds upon the basis 425
of an engineering and traffic investigation that the prima-facie 426
speed permitted by division (B) (5) of this section on any part 427
of a highway under its jurisdiction that is located in a 428
commercial or residential subdivision, except on highways or 429
portions thereof at the entrances to which vehicular traffic 430
from the majority of intersecting highways is required to yield 431
the right-of-way to vehicles on such highways in obedience to 432
stop or yield signs or traffic control signals, is greater than 433
is reasonable and safe under the conditions found to exist at 434
the location, the board may by resolution declare a reasonable 435
and safe prima-facie speed limit of less than fifty-five but not 436

less than twenty-five miles per hour at the location. An altered 437
speed limit adopted by a board of township trustees under this 438
division shall become effective when appropriate signs giving 439
notice thereof are erected at the location by the township. 440
Whenever, in the opinion of a board of township trustees, any 441
altered prima-facie speed limit established by it under this 442
division becomes unreasonable, it may adopt a resolution 443
withdrawing the altered prima-facie speed, and upon such 444
withdrawal, the altered prima-facie speed shall become 445
ineffective, and the signs relating thereto shall be immediately 446
removed by the township. 447

(L) (1) On September 29, 2013, the director of 448
transportation, based upon an engineering study of a highway, 449
expressway, or freeway described in division (B) (13), (14), 450
(15), (16), or (17) of this section, in consultation with the 451
director of public safety and, if applicable, the local 452
authority having jurisdiction over the studied highway, 453
expressway, or freeway, may determine and declare that the speed 454
limit established on such highway, expressway, or freeway under 455
division (B) (13), (14), (15), (16), or (17) of this section 456
either is reasonable and safe or is more or less than that which 457
is reasonable and safe. 458

(2) If the established speed limit for a highway, 459
expressway, or freeway studied pursuant to division (L) (1) of 460
this section is determined to be more or less than that which is 461
reasonable and safe, the director of transportation, in 462
consultation with the director of public safety and, if 463
applicable, the local authority having jurisdiction over the 464
studied highway, expressway, or freeway, shall determine and 465
declare a reasonable and safe speed limit for that highway, 466
expressway, or freeway. 467

(M) (1) (a) If the boundary of two local authorities rests 468
on the centerline of a highway and both authorities have 469
jurisdiction over the highway, the speed limit for the part of 470
the highway within their joint jurisdiction shall be either one 471
of the following as agreed to by both authorities: 472

(i) Either prima-facie speed limit permitted by division 473
(B) of this section; 474

(ii) An altered speed limit determined and posted in 475
accordance with this section. 476

(b) If the local authorities are unable to reach an 477
agreement, the speed limit shall remain as established and 478
posted under this section. 479

(2) Neither local authority may declare an altered prima- 480
facie speed limit pursuant to this section on the part of the 481
highway under their joint jurisdiction unless both of the local 482
authorities determine, upon the basis of an engineering and 483
traffic investigation, that the speed permitted by this section 484
is greater than is reasonable or safe under the conditions found 485
to exist at the location and both authorities agree upon a 486
uniform reasonable and safe prima-facie speed limit of less than 487
fifty-five but not less than twenty-five miles per hour for that 488
location. If both authorities so agree, each shall follow the 489
procedure specified in this section for altering the prima-facie 490
speed limit on the highway, and the speed limit for the part of 491
the highway within their joint jurisdiction shall be uniformly 492
altered. No altered speed limit may be withdrawn unless both 493
local authorities determine that the altered prima-facie speed 494
limit previously adopted becomes unreasonable and each adopts a 495
resolution withdrawing the altered prima-facie speed limit 496
pursuant to the procedure specified in this section. 497

(N) The legislative authority of a municipal corporation 498
or township in which a boarding school is located, by resolution 499
or ordinance, may establish a boarding school zone. The 500
legislative authority may alter the speed limit on any street or 501
highway within the boarding school zone and shall specify the 502
hours during which the altered speed limit is in effect. For 503
purposes of determining the boundaries of the boarding school 504
zone, the altered speed limit within the boarding school zone, 505
and the hours the altered speed limit is in effect, the 506
legislative authority shall consult with the administration of 507
the boarding school and with the county engineer or other 508
appropriate engineer, as applicable. A boarding school zone 509
speed limit becomes effective only when appropriate signs giving 510
notice thereof are erected at the appropriate locations. 511

(O) As used in this section: 512

(1) "Interstate system" has the same meaning as in 23 513
U.S.C.A. 101. 514

(2) "Commercial bus" means a motor vehicle designed for 515
carrying more than nine passengers and used for the 516
transportation of persons for compensation. 517

(3) "Noncommercial bus" includes but is not limited to a 518
school bus or a motor vehicle operated solely for the 519
transportation of persons associated with a charitable or 520
nonprofit organization. 521

(4) "Outerbelt" means a portion of a freeway that is part 522
of the interstate system and is located in the outer vicinity of 523
a major municipal corporation or group of municipal 524
corporations, as designated by the director. 525

(5) "Rural" means outside urbanized areas, as designated 526

in accordance with 23 U.S.C. 101, and outside of a business or 527
urban district. 528

(P) (1) A violation of any provision of this section is one 529
of the following: 530

(a) Except as otherwise provided in divisions (P) (1) (b), 531
(1) (c), (2), and (3) of this section, a minor misdemeanor; 532

(b) If, within one year of the offense, the offender 533
previously has been convicted of or pleaded guilty to two 534
violations of any provision of this section or of any provision 535
of a municipal ordinance that is substantially similar to any 536
provision of this section, a misdemeanor of the fourth degree; 537

(c) If, within one year of the offense, the offender 538
previously has been convicted of or pleaded guilty to three or 539
more violations of any provision of this section or of any 540
provision of a municipal ordinance that is substantially similar 541
to any provision of this section, a misdemeanor of the third 542
degree. 543

(2) If the offender has not previously been convicted of 544
or pleaded guilty to a violation of any provision of this 545
section or of any provision of a municipal ordinance that is 546
substantially similar to this section and operated a motor 547
vehicle faster than thirty-five miles an hour in a business 548
district of a municipal corporation, faster than fifty miles an 549
hour in other portions of a municipal corporation, or faster 550
than thirty-five miles an hour in a school zone during recess or 551
while children are going to or leaving school during the 552
school's opening or closing hours, a misdemeanor of the fourth 553
degree. 554

(3) Notwithstanding division (P) (1) of this section, if 555

the offender operated a motor vehicle in a construction zone 556
where a sign was then posted in accordance with section 4511.98 557
of the Revised Code, the court, in addition to all other 558
penalties provided by law, shall impose upon the offender a fine 559
of two times the usual amount imposed for the violation. No 560
court shall impose a fine of two times the usual amount imposed 561
for the violation upon an offender if the offender alleges, in 562
an affidavit filed with the court prior to the offender's 563
sentencing, that the offender is indigent and is unable to pay 564
the fine imposed pursuant to this division and if the court 565
determines that the offender is an indigent person and unable to 566
pay the fine. 567

(4) If the offender commits the offense while distracted 568
and the distracting activity is a contributing factor to the 569
commission of the offense, the offender is subject to the 570
additional fine established under section 4511.991 of the 571
Revised Code. 572

Section 2. That existing section 4511.21 of the Revised 573
Code is hereby repealed. 574

Section 3. The Department of Transportation shall provide 575
funding for all changes to standards affecting school zone 576
signage or other school zone equipment that the Director of 577
Transportation establishes as a result of this act. On July 1, 578
2019, or as soon as possible thereafter, the Director of 579
Transportation shall identify money in the Highway Operating 580
Fund (Fund 7002) to be used to pay for this purpose, and the 581
identified amount is hereby appropriated in the fiscal year 582
ending June 30, 2020. 583

Section 4. Section 4511.21 of the Revised Code is 584
presented in this act as a composite of the section as amended 585

by both Sub. H.B. 26 and Sub. H.B. 95 of the 132nd General 586
Assembly. The General Assembly, applying the principle stated in 587
division (B) of section 1.52 of the Revised Code that amendments 588
are to be harmonized if reasonably capable of simultaneous 589
operation, finds that the composite is the resulting version of 590
the section in effect prior to the effective date of the section 591
as presented in this act. 592