

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 139**

**Senator Miller, R.**

—

**A B I L L**

To amend section 4511.21 of the Revised Code to 1  
double the fine for a speeding violation that 2  
occurs in a school zone during restricted hours. 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 is 7  
reasonable or proper, having due regard to the traffic, surface, 8  
and width of the street or highway and any other conditions, and 9  
no person shall drive any motor vehicle, trackless trolley, or 10  
streetcar in and upon any street or highway at a greater speed 11  
than will permit the person to bring it to a stop within the 12  
assured clear distance ahead. 13

(B) It is prima-facie lawful, in the absence of a lower limit 14  
declared pursuant to this section by the director of 15  
transportation or local authorities, for the operator of a motor 16  
vehicle, trackless trolley, or streetcar to operate the same at a 17  
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 speed 24  
shall be governed by division (B)(4) of this section and on 25  
freeways, if the right-of-way line fence has been erected without 26  
pedestrian opening, the speed shall be governed by divisions 27  
(B)(9) and (10) of this section. The end of every school zone may 28  
be marked by a sign indicating the end of the zone. Nothing in 29  
this section or in the manual and specifications for a uniform 30  
system of traffic control devices shall be construed to require 31  
school zones to be indicated by signs equipped with flashing or 32  
other lights, or giving other special notice of the hours in which 33  
the school zone speed limit is in effect. 34

(b) As used in this section and in section 4511.212 of the 35  
Revised Code, "school" means any school chartered under section 36  
3301.16 of the Revised Code and any nonchartered school that 37  
during the preceding year filed with the department of education 38  
in compliance with rule 3301-35-08 of the Ohio Administrative 39  
Code, a copy of the school's report for the parents of the 40  
school's pupils certifying that the school meets Ohio minimum 41  
standards for nonchartered, nontax-supported schools and presents 42  
evidence of this filing to the jurisdiction from which it is 43  
requesting the establishment of a school zone. "School" also 44  
includes a special elementary school that in writing requests the 45  
county engineer of the county in which the special elementary 46  
school is located to create a school zone at the location of that 47  
school. Upon receipt of such a written request, the county 48  
engineer shall create a school zone at that location by erecting 49  
the appropriate signs. 50

(c) As used in this section, "school zone" means that portion 51  
of a street or highway passing a school fronting upon the street 52

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

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

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

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

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

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

The director may, upon request by resolution of the

legislative authority of a municipal corporation, the board of 84  
trustees of a township, or a county board of mental retardation 85  
and developmental disabilities created pursuant to Chapter 5126. 86  
of the Revised Code, and upon submission by the municipal 87  
corporation, township, or county board of such engineering, 88  
traffic, and other information as the director considers 89  
necessary, designate a school zone on any portion of a state route 90  
lying within the municipal corporation, lying within the 91  
unincorporated territory of the township, or lying adjacent to the 92  
property of a school that is operated by such county board, that 93  
includes a crosswalk customarily used by children going to or 94  
leaving a school during recess and opening and closing hours, 95  
whenever the distance, as measured in a straight line, from the 96  
school property line nearest the crosswalk to the nearest point of 97  
the crosswalk is no more than one thousand three hundred twenty 98  
feet. Such a school zone shall include the distance encompassed by 99  
the crosswalk and extending three hundred feet on each approach 100  
direction of the state route. 101

(e) As used in this section, "special elementary school" 102  
means a school that meets all of the following criteria: 103

(i) It is not chartered and does not receive tax revenue from 104  
any source. 105

(ii) It does not educate children beyond the eighth grade. 106

(iii) It is located outside the limits of a municipal 107  
corporation. 108

(iv) A majority of the total number of students enrolled at 109  
the school are not related by blood. 110

(v) The principal or other person in charge of the special 111  
elementary school annually sends a report to the superintendent of 112  
the school district in which the special elementary school is 113  
located indicating the total number of students enrolled at the 114

school, but otherwise the principal or other person in charge does	115
not report any other information or data to the superintendent.	116
(2) Twenty-five miles per hour in all other portions of a	117
municipal corporation, except on state routes outside business	118
districts, through highways outside business districts, and	119
alleys;	120
(3) Thirty-five miles per hour on all state routes or through	121
highways within municipal corporations outside business districts,	122
except as provided in divisions (B)(4) and (6) of this section;	123
(4) Fifty miles per hour on controlled-access highways and	124
expressways within municipal corporations;	125
(5) Fifty-five miles per hour on highways outside municipal	126
corporations, other than highways within island jurisdictions as	127
provided in division (B)(8) of this section and freeways as	128
provided in division (B)(13) of this section;	129
(6) Fifty miles per hour on state routes within municipal	130
corporations outside urban districts unless a lower prima-facie	131
speed is established as further provided in this section;	132
(7) Fifteen miles per hour on all alleys within the municipal	133
corporation;	134
(8) Thirty-five miles per hour on highways outside municipal	135
corporations that are within an island jurisdiction;	136
(9) Fifty-five miles per hour at all times on freeways with	137
paved shoulders inside municipal corporations, other than freeways	138
as provided in division (B)(13) of this section;	139
(10) Fifty-five miles per hour at all times on freeways	140
outside municipal corporations, other than freeways as provided in	141
division (B)(13) of this section;	142
(11) Fifty-five miles per hour at all times on all portions	143
of freeways that are part of the interstate system and on all	144

portions of freeways that are not part of the interstate system, 145  
but are built to the standards and specifications that are 146  
applicable to freeways that are part of the interstate system for 147  
operators of any motor vehicle weighing in excess of eight 148  
thousand pounds empty weight and any noncommercial bus; 149

(12) Fifty-five miles per hour for operators of any motor 150  
vehicle weighing eight thousand pounds or less empty weight and 151  
any commercial bus at all times on all portions of freeways that 152  
are part of the interstate system and that had such a speed limit 153  
established prior to October 1, 1995, and freeways that are not 154  
part of the interstate system, but are built to the standards and 155  
specifications that are applicable to freeways that are part of 156  
the interstate system and that had such a speed limit established 157  
prior to October 1, 1995, unless a higher speed limit is 158  
established under division (L) of this section; 159

(13) Sixty-five miles per hour for operators of any motor 160  
vehicle weighing eight thousand pounds or less empty weight and 161  
any commercial bus at all times on all portions of the following: 162

(a) Freeways that are part of the interstate system and that 163  
had such a speed limit established prior to October 1, 1995, and 164  
freeways that are not part of the interstate system, but are built 165  
to the standards and specifications that are applicable to 166  
freeways that are part of the interstate system and that had such 167  
a speed limit established prior to October 1, 1995; 168

(b) Freeways that are part of the interstate system and 169  
freeways that are not part of the interstate system but are built 170  
to the standards and specifications that are applicable to 171  
freeways that are part of the interstate system, and that had such 172  
a speed limit established under division (L) of this section; 173

(c) Rural, divided, multi-lane highways that are designated 174  
as part of the national highway system under the "National Highway 175

System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 176  
and that had such a speed limit established under division (M) of 177  
this section. 178

(C) It is prima-facie unlawful for any person to exceed any 179  
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 180  
(6), (7), and (8) of this section, or any declared pursuant to 181  
this section by the director or local authorities and it is 182  
unlawful for any person to exceed any of the speed limitations in 183  
division (D) of this section. No person shall be convicted of more 184  
than one violation of this section for the same conduct, although 185  
violations of more than one provision of this section may be 186  
charged in the alternative in a single affidavit. 187

(D) No person shall operate a motor vehicle, trackless 188  
trolley, or streetcar upon a street or highway as follows: 189

(1) At a speed exceeding fifty-five miles per hour, except 190  
upon a freeway as provided in division (B)(13) of this section; 191

(2) At a speed exceeding sixty-five miles per hour upon a 192  
freeway as provided in division (B)(13) of this section except as 193  
otherwise provided in division (D)(3) of this section; 194

(3) If a motor vehicle weighing in excess of eight thousand 195  
pounds empty weight or a noncommercial bus as prescribed in 196  
division (B)(11) of this section, at a speed exceeding fifty-five 197  
miles per hour upon a freeway as provided in that division; 198

(4) At a speed exceeding the posted speed limit upon a 199  
freeway for which the director has determined and declared a speed 200  
limit of not more than sixty-five miles per hour pursuant to 201  
division (L)(2) or (M) of this section; 202

(5) At a speed exceeding sixty-five miles per hour upon a 203  
freeway for which such a speed limit has been established through 204  
the operation of division (L)(3) of this section; 205

(6) At a speed exceeding the posted speed limit upon a 206  
freeway for which the director has determined and declared a speed 207  
limit pursuant to division (I)(2) of this section. 208

(E) In every charge of violation of this section the 209  
affidavit and warrant shall specify the time, place, and speed at 210  
which the defendant is alleged to have driven, and in charges made 211  
in reliance upon division (C) of this section also the speed which 212  
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 213  
declared pursuant to, this section declares is prima-facie lawful 214  
at the time and place of such alleged violation, except that in 215  
affidavits where a person is alleged to have driven at a greater 216  
speed than will permit the person to bring the vehicle to a stop 217  
within the assured clear distance ahead the affidavit and warrant 218  
need not specify the speed at which the defendant is alleged to 219  
have driven. 220

(F) When a speed in excess of both a prima-facie limitation 221  
and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 222  
this section is alleged, the defendant shall be charged in a 223  
single affidavit, alleging a single act, with a violation 224  
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 225  
(8) of this section, or of a limit declared pursuant to this 226  
section by the director or local authorities, and of the 227  
limitation in division (D)(1), (2), (3), (4), (5), or (6) of this 228  
section. If the court finds a violation of division (B)(1)(a), 229  
(2), (3), (4), (6), (7), or (8) of, or a limit declared pursuant 230  
to, this section has occurred, it shall enter a judgment of 231  
conviction under such division and dismiss the charge under 232  
division (D)(1), (2), (3), (4), (5), or (6) of this section. If it 233  
finds no violation of division (B)(1)(a), (2), (3), (4), (6), (7), 234  
or (8) of, or a limit declared pursuant to, this section, it shall 235  
then consider whether the evidence supports a conviction under 236  
division (D)(1), (2), (3), (4), (5), or (6) of this section. 237

(G) Points shall be assessed for violation of a limitation 238  
under division (D) of this section in accordance with section 239  
4510.036 of the Revised Code. 240

(H) Whenever the director determines upon the basis of a 241  
geometric and traffic characteristic study that any speed limit 242  
set forth in divisions (B)(1)(a) to (D) of this section is greater 243  
or less than is reasonable or safe under the conditions found to 244  
exist at any portion of a street or highway under the jurisdiction 245  
of the director, the director shall determine and declare a 246  
reasonable and safe prima-facie speed limit, which shall be 247  
effective when appropriate signs giving notice of it are erected 248  
at the location. 249

(I)(1) Except as provided in divisions (I)(2) and (K) of this 250  
section, whenever local authorities determine upon the basis of an 251  
engineering and traffic investigation that the speed permitted by 252  
divisions (B)(1)(a) to (D) of this section, on any part of a 253  
highway under their jurisdiction, is greater than is reasonable 254  
and safe under the conditions found to exist at such location, the 255  
local authorities may by resolution request the director to 256  
determine and declare a reasonable and safe prima-facie speed 257  
limit. Upon receipt of such request the director may determine and 258  
declare a reasonable and safe prima-facie speed limit at such 259  
location, and if the director does so, then such declared speed 260  
limit shall become effective only when appropriate signs giving 261  
notice thereof are erected at such location by the local 262  
authorities. The director may withdraw the declaration of a 263  
prima-facie speed limit whenever in the director's opinion the 264  
altered prima-facie speed becomes unreasonable. Upon such 265  
withdrawal, the declared prima-facie speed shall become 266  
ineffective and the signs relating thereto shall be immediately 267  
removed by the local authorities. 268

(2) A local authority may determine on the basis of a 269

geometric and traffic characteristic study that the speed limit of 270  
sixty-five miles per hour on a portion of a freeway under its 271  
jurisdiction that was established through the operation of 272  
division (L)(3) of this section is greater than is reasonable or 273  
safe under the conditions found to exist at that portion of the 274  
freeway. If the local authority makes such a determination, the 275  
local authority by resolution may request the director to 276  
determine and declare a reasonable and safe speed limit of not 277  
less than fifty-five miles per hour for that portion of the 278  
freeway. If the director takes such action, the declared speed 279  
limit becomes effective only when appropriate signs giving notice 280  
of it are erected at such location by the local authority. 281

(J) Local authorities in their respective jurisdictions may 282  
authorize by ordinance higher prima-facie speeds than those stated 283  
in this section upon through highways, or upon highways or 284  
portions thereof where there are no intersections, or between 285  
widely spaced intersections, provided signs are erected giving 286  
notice of the authorized speed, but local authorities shall not 287  
modify or alter the basic rule set forth in division (A) of this 288  
section or in any event authorize by ordinance a speed in excess 289  
of fifty miles per hour. 290

Alteration of prima-facie limits on state routes by local 291  
authorities shall not be effective until the alteration has been 292  
approved by the director. The director may withdraw approval of 293  
any altered prima-facie speed limits whenever in the director's 294  
opinion any altered prima-facie speed becomes unreasonable, and 295  
upon such withdrawal, the altered prima-facie speed shall become 296  
ineffective and the signs relating thereto shall be immediately 297  
removed by the local authorities. 298

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 299  
section, "unimproved highway" means a highway consisting of any of 300  
the following: 301

(a) Unimproved earth;	302
(b) Unimproved graded and drained earth;	303
(c) Gravel.	304
(2) Except as otherwise provided in divisions (K)(4) and (5)	305
of this section, whenever a board of township trustees determines	306
upon the basis of an engineering and traffic investigation that	307
the speed permitted by division (B)(5) of this section on any part	308
of an unimproved highway under its jurisdiction and in the	309
unincorporated territory of the township is greater than is	310
reasonable or safe under the conditions found to exist at the	311
location, the board may by resolution declare a reasonable and	312
safe prima-facie speed limit of fifty-five but not less than	313
twenty-five miles per hour. An altered speed limit adopted by a	314
board of township trustees under this division becomes effective	315
when appropriate traffic control devices, as prescribed in section	316
4511.11 of the Revised Code, giving notice thereof are erected at	317
the location, which shall be no sooner than sixty days after	318
adoption of the resolution.	319
(3)(a) Whenever, in the opinion of a board of township	320
trustees, any altered prima-facie speed limit established by the	321
board under this division becomes unreasonable, the board may	322
adopt a resolution withdrawing the altered prima-facie speed	323
limit. Upon the adoption of such a resolution, the altered	324
prima-facie speed limit becomes ineffective and the traffic	325
control devices relating thereto shall be immediately removed.	326
(b) Whenever a highway ceases to be an unimproved highway and	327
the board has adopted an altered prima-facie speed limit pursuant	328
to division (K)(2) of this section, the board shall, by	329
resolution, withdraw the altered prima-facie speed limit as soon	330
as the highway ceases to be unimproved. Upon the adoption of such	331
a resolution, the altered prima-facie speed limit becomes	332

ineffective and the traffic control devices relating thereto shall 333  
be immediately removed. 334

(4)(a) If the boundary of two townships rests on the 335  
centerline of an unimproved highway in unincorporated territory 336  
and both townships have jurisdiction over the highway, neither of 337  
the boards of township trustees of such townships may declare an 338  
altered prima-facie speed limit pursuant to division (K)(2) of 339  
this section on the part of the highway under their joint 340  
jurisdiction unless the boards of township trustees of both of the 341  
townships determine, upon the basis of an engineering and traffic 342  
investigation, that the speed permitted by division (B)(5) of this 343  
section is greater than is reasonable or safe under the conditions 344  
found to exist at the location and both boards agree upon a 345  
reasonable and safe prima-facie speed limit of less than 346  
fifty-five but not less than twenty-five miles per hour for that 347  
location. If both boards so agree, each shall follow the procedure 348  
specified in division (K)(2) of this section for altering the 349  
prima-facie speed limit on the highway. Except as otherwise 350  
provided in division (K)(4)(b) of this section, no speed limit 351  
altered pursuant to division (K)(4)(a) of this section may be 352  
withdrawn unless the boards of township trustees of both townships 353  
determine that the altered prima-facie speed limit previously 354  
adopted becomes unreasonable and each board adopts a resolution 355  
withdrawing the altered prima-facie speed limit pursuant to the 356  
procedure specified in division (K)(3)(a) of this section. 357

(b) Whenever a highway described in division (K)(4)(a) of 358  
this section ceases to be an unimproved highway and two boards of 359  
township trustees have adopted an altered prima-facie speed limit 360  
pursuant to division (K)(4)(a) of this section, both boards shall, 361  
by resolution, withdraw the altered prima-facie speed limit as 362  
soon as the highway ceases to be unimproved. Upon the adoption of 363  
the resolution, the altered prima-facie speed limit becomes 364

ineffective and the traffic control devices relating thereto shall 365  
be immediately removed. 366

(5) As used in division (K)(5) of this section: 367

(a) "Commercial subdivision" means any platted territory 368  
outside the limits of a municipal corporation and fronting a 369  
highway where, for a distance of three hundred feet or more, the 370  
frontage is improved with buildings in use for commercial 371  
purposes, or where the entire length of the highway is less than 372  
three hundred feet long and the frontage is improved with 373  
buildings in use for commercial purposes. 374

(b) "Residential subdivision" means any platted territory 375  
outside the limits of a municipal corporation and fronting a 376  
highway, where, for a distance of three hundred feet or more, the 377  
frontage is improved with residences or residences and buildings 378  
in use for business, or where the entire length of the highway is 379  
less than three hundred feet long and the frontage is improved 380  
with residences or residences and buildings in use for business. 381

Whenever a board of township trustees finds upon the basis of 382  
an engineering and traffic investigation that the prima-facie 383  
speed permitted by division (B)(5) of this section on any part of 384  
a highway under its jurisdiction that is located in a commercial 385  
or residential subdivision, except on highways or portions thereof 386  
at the entrances to which vehicular traffic from the majority of 387  
intersecting highways is required to yield the right-of-way to 388  
vehicles on such highways in obedience to stop or yield signs or 389  
traffic control signals, is greater than is reasonable and safe 390  
under the conditions found to exist at the location, the board may 391  
by resolution declare a reasonable and safe prima-facie speed 392  
limit of less than fifty-five but not less than twenty-five miles 393  
per hour at the location. An altered speed limit adopted by a 394  
board of township trustees under this division shall become 395  
effective when appropriate signs giving notice thereof are erected 396

at the location by the township. Whenever, in the opinion of a 397  
board of township trustees, any altered prima-facie speed limit 398  
established by it under this division becomes unreasonable, it may 399  
adopt a resolution withdrawing the altered prima-facie speed, and 400  
upon such withdrawal, the altered prima-facie speed shall become 401  
ineffective, and the signs relating thereto shall be immediately 402  
removed by the township. 403

(L)(1) Within one hundred twenty days of February 29, 1996, 404  
the director of transportation, based upon a geometric and traffic 405  
characteristic study of a freeway that is part of the interstate 406  
system or that is not part of the interstate system, but is built 407  
to the standards and specifications that are applicable to 408  
freeways that are part of the interstate system, in consultation 409  
with the director of public safety and, if applicable, the local 410  
authority having jurisdiction over a portion of such freeway, may 411  
determine and declare that the speed limit of less than sixty-five 412  
miles per hour established on such freeway or portion of freeway 413  
either is reasonable and safe or is less than that which is 414  
reasonable and safe. 415

(2) If the established speed limit for such a freeway or 416  
portion of freeway is determined to be less than that which is 417  
reasonable and safe, the director of transportation, in 418  
consultation with the director of public safety and, if 419  
applicable, the local authority having jurisdiction over the 420  
portion of freeway, shall determine and declare a reasonable and 421  
safe speed limit of not more than sixty-five miles per hour for 422  
that freeway or portion of freeway. 423

The director of transportation or local authority having 424  
jurisdiction over the freeway or portion of freeway shall erect 425  
appropriate signs giving notice of the speed limit at such 426  
location within one hundred fifty days of February 29, 1996. Such 427  
speed limit becomes effective only when such signs are erected at 428

the location. 429

(3) If, within one hundred twenty days of February 29, 1996, 430  
the director of transportation does not make a determination and 431  
declaration of a reasonable and safe speed limit for a freeway or 432  
portion of freeway that is part of the interstate system or that 433  
is not part of the interstate system, but is built to the 434  
standards and specifications that are applicable to freeways that 435  
are part of the interstate system and that has a speed limit of 436  
less than sixty-five miles per hour, the speed limit on that 437  
freeway or portion of a freeway shall be sixty-five miles per 438  
hour. The director of transportation or local authority having 439  
jurisdiction over the freeway or portion of the freeway shall 440  
erect appropriate signs giving notice of the speed limit of 441  
sixty-five miles per hour at such location within one hundred 442  
fifty days of February 29, 1996. Such speed limit becomes 443  
effective only when such signs are erected at the location. A 444  
speed limit established through the operation of division (L)(3) 445  
of this section is subject to reduction under division (I)(2) of 446  
this section. 447

(M) Within three hundred sixty days after February 29, 1996, 448  
the director of transportation, based upon a geometric and traffic 449  
characteristic study of a rural, divided, multi-lane highway that 450  
has been designated as part of the national highway system under 451  
the "National Highway System Designation Act of 1995," 109 Stat. 452  
568, 23 U.S.C.A. 103, in consultation with the director of public 453  
safety and, if applicable, the local authority having jurisdiction 454  
over a portion of the highway, may determine and declare that the 455  
speed limit of less than sixty-five miles per hour established on 456  
the highway or portion of highway either is reasonable and safe or 457  
is less than that which is reasonable and safe. 458

If the established speed limit for the highway or portion of 459  
highway is determined to be less than that which is reasonable and 460

safe, the director of transportation, in consultation with the 461  
director of public safety and, if applicable, the local authority 462  
having jurisdiction over the portion of highway, shall determine 463  
and declare a reasonable and safe speed limit of not more than 464  
sixty-five miles per hour for that highway or portion of highway. 465  
The director of transportation or local authority having 466  
jurisdiction over the highway or portion of highway shall erect 467  
appropriate signs giving notice of the speed limit at such 468  
location within three hundred ninety days after February 29, 1996. 469  
The speed limit becomes effective only when such signs are erected 470  
at the location. 471

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

(i) Either prima-facie speed limit permitted by division (B) 477  
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 posted 482  
under this section. 483

(2) Neither local authority may declare an altered 484  
prima-facie speed limit pursuant to this section on the part of 485  
the highway under their joint jurisdiction unless both of the 486  
local authorities determine, upon the basis of an engineering and 487  
traffic investigation, that the speed permitted by this section is 488  
greater than is reasonable or safe under the conditions found to 489  
exist at the location and both authorities agree upon a uniform 490  
reasonable and safe prima-facie speed limit of less than 491

fifty-five but not less than twenty-five miles per hour for that 492  
location. If both authorities so agree, each shall follow the 493  
procedure specified in this section for altering the prima-facie 494  
speed limit on the highway, and the speed limit for the part of 495  
the highway within their joint jurisdiction shall be uniformly 496  
altered. No altered speed limit may be withdrawn unless both local 497  
authorities determine that the altered prima-facie speed limit 498  
previously adopted becomes unreasonable and each adopts a 499  
resolution withdrawing the altered prima-facie speed limit 500  
pursuant to the procedure specified in this section. 501

(O) As used in this section: 502

(1) "Interstate system" has the same meaning as in 23 503  
U.S.C.A. 101. 504

(2) "Commercial bus" means a motor vehicle designed for 505  
carrying more than nine passengers and used for the transportation 506  
of persons for compensation. 507

(3) "Noncommercial bus" includes but is not limited to a 508  
school bus or a motor vehicle operated solely for the 509  
transportation of persons associated with a charitable or 510  
nonprofit organization. 511

(P)(1) A violation of any provision of this section is one of 512  
the following: 513

(a) Except as otherwise provided in divisions (P)(1)(b), 514  
(1)(c), (2), ~~and~~ (3), and (4) of this section, a minor 515  
misdemeanor; 516

(b) If, within one year of the offense, the offender 517  
previously has been convicted of or pleaded guilty to two 518  
violations of any provision of this section or of any provision of 519  
a municipal ordinance that is substantially similar to any 520  
provision of this section, a misdemeanor of the fourth degree; 521

(c) If, within one year of the offense, the offender 522  
previously has been convicted of or pleaded guilty to three or 523  
more violations of any provision of this section or of any 524  
provision of a municipal ordinance that is substantially similar 525  
to any provision of this section, a misdemeanor of the third 526  
degree. 527

(2) If the offender has not previously been convicted of or 528  
pleaded guilty to a violation of any provision of this section or 529  
of any provision of a municipal ordinance that is substantially 530  
similar to this section and operated a motor vehicle faster than 531  
thirty-five miles an hour in a business district of a municipal 532  
corporation, faster than fifty miles an hour in other portions of 533  
a municipal corporation, or faster than thirty-five miles an hour 534  
in a school zone during recess or while children are going to or 535  
leaving school during the school's opening or closing hours, a 536  
misdemeanor of the fourth degree. 537

(3) Notwithstanding division (P)(1) of this section, if the 538  
offender operated a motor vehicle in a construction zone where a 539  
sign was then posted in accordance with section 4511.98 of the 540  
Revised Code, the court, in addition to all other penalties 541  
provided by law, shall impose upon the offender a fine of two 542  
times the usual amount imposed for the violation. No court shall 543  
impose a fine of two times the usual amount imposed for the 544  
violation upon an offender if the offender alleges, in an 545  
affidavit filed with the court prior to the offender's sentencing, 546  
that the offender is indigent and is unable to pay the fine 547  
imposed pursuant to this division and if the court determines that 548  
the offender is an indigent person and unable to pay the fine. 549

(4) Notwithstanding division (P)(1) of this section, upon a 550  
finding that a person operated a motor vehicle in violation of 551  
section 4511.21 of the Revised Code while passing through a school 552  
zone during recess or while children are going to or leaving 553

school during the opening or closing hours, the court, in addition 554  
to all other penalties provided by law, shall impose upon the 555  
offender a fine of two times the usual amount imposed for the 556  
violation. No court shall impose a fine of two times the usual 557  
amount imposed for the violation upon an offender if the offender 558  
alleges, in an affidavit filed with the court prior to the 559  
offender's sentencing, that the offender is indigent and is unable 560  
to pay the fine imposed pursuant to this division and if the court 561  
determines the offender is an indigent person and unable to pay 562  
the fine. 563

**Section 2.** That existing section 4511.21 of the Revised Code 564  
is hereby repealed. 565