

**As Reported by the Senate Highways and Transportation
Committee**

**126th General Assembly
Regular Session
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S. B. No. 184

Senator Gardner

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A B I L L

To amend sections 4511.21 and 4511.251 of the Revised Code to establish a 35-mile per hour speed limit for highways outside municipal corporations within island jurisdictions.

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

Section 1. That sections 4511.21 and 4511.251 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 pursuant to this section by the director of transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(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)~~(8)~~(9) and ~~(9)~~(10) 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 be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

(b) As used in this section and in section 4511.212 of the Revised Code, "school" means any school chartered under section 3301.16 of the Revised Code and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

(c) As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion

of a state highway under the jurisdiction of the director of transportation, the director may extend the traditional school zone boundaries. The distances in divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not exceed three hundred feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the director approves as most appropriate:

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

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

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

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

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

The director may, upon request by resolution of the legislative authority of a municipal corporation, the board of trustees of a township, or a county board of mental retardation and developmental disabilities created pursuant to Chapter 5126. of the Revised Code, and upon submission by the municipal corporation, township, or county board of such engineering,

traffic, and other information as the director considers 83
necessary, designate a school zone on any portion of a state route 84
lying within the municipal corporation, lying within the 85
unincorporated territory of the township, or lying adjacent to the 86
property of a school that is operated by such county board, that 87
includes a crosswalk customarily used by children going to or 88
leaving a school during recess and opening and closing hours, 89
whenever the distance, as measured in a straight line, from the 90
school property line nearest the crosswalk to the nearest point of 91
the crosswalk is no more than one thousand three hundred twenty 92
feet. Such a school zone shall include the distance encompassed by 93
the crosswalk and extending three hundred feet on each approach 94
direction of the state route. 95

(2) Twenty-five miles per hour in all other portions of a 96
municipal corporation, except on state routes outside business 97
districts, through highways outside business districts, and 98
alleys; 99

(3) Thirty-five miles per hour on all state routes or through 100
highways within municipal corporations outside business districts, 101
except as provided in divisions (B)(4) and (6) of this section; 102

(4) Fifty miles per hour on controlled-access highways and 103
expressways within municipal corporations; 104

(5) Fifty-five miles per hour on highways outside of 105
municipal corporations, other than highways within island 106
jurisdictions as provided in division (B)(8) of this section and 107
freeways as provided in division (B)~~(12)~~(13) of this section; 108

(6) Fifty miles per hour on state routes within municipal 109
corporations outside urban districts unless a lower prima-facie 110
speed is established as further provided in this section; 111

(7) Fifteen miles per hour on all alleys within the municipal 112
corporation; 113

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| (8) <u>Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;</u> | 114 |
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| <u>(9)</u> Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in division (B) (12) <u>(13)</u> of this section; | 116 |
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| (9) <u>(10)</u> Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in division (B) (12) <u>(13)</u> of this section; | 119 |
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| (10) <u>(11)</u> Fifty-five miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus; | 122 |
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| (11) <u>(12)</u> Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under division (L) of this section; | 129 |
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| (12) <u>(13)</u> Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following: | 139 |
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| (a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built | 142 |
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to the standards and specifications that are applicable to 145
freeways that are part of the interstate system and that had such 146
a speed limit established prior to October 1, 1995; 147

(b) Freeways that are part of the interstate system and 148
freeways that are not part of the interstate system but are built 149
to the standards and specifications that are applicable to 150
freeways that are part of the interstate system, and that had such 151
a speed limit established under division (L) of this section; 152

(c) Rural, divided, multi-lane highways that are designated 153
as part of the national highway system under the "National Highway 154
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 155
and that had such a speed limit established under division (M) of 156
this section. 157

(C) It is prima-facie unlawful for any person to exceed any 158
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 159
(6), ~~and (7)~~, and (8) of this section, or any declared pursuant to 160
this section by the director or local authorities and it is 161
unlawful for any person to exceed any of the speed limitations in 162
division (D) of this section. No person shall be convicted of more 163
than one violation of this section for the same conduct, although 164
violations of more than one provision of this section may be 165
charged in the alternative in a single affidavit. 166

(D) No person shall operate a motor vehicle, trackless 167
trolley, or streetcar upon a street or highway as follows: 168

(1) At a speed exceeding fifty-five miles per hour, except 169
upon a freeway as provided in division (B)~~(12)~~(13) of this 170
section; 171

(2) At a speed exceeding sixty-five miles per hour upon a 172
freeway as provided in division (B)~~(12)~~(13) of this section except 173
as otherwise provided in division (D)(3) of this section; 174

(3) If a motor vehicle weighing in excess of eight thousand 175
pounds empty weight or a noncommercial bus as prescribed in 176
division (B)~~(10)~~(11) of this section, at a speed exceeding 177
fifty-five miles per hour upon a freeway as provided in that 178
division; 179

(4) At a speed exceeding the posted speed limit upon a 180
freeway for which the director has determined and declared a speed 181
limit of not more than sixty-five miles per hour pursuant to 182
division (L)(2) or (M) of this section; 183

(5) At a speed exceeding sixty-five miles per hour upon a 184
freeway for which such a speed limit has been established through 185
the operation of division (L)(3) of this section; 186

(6) At a speed exceeding the posted speed limit upon a 187
freeway for which the director has determined and declared a speed 188
limit pursuant to division (I)(2) of this section. 189

(E) In every charge of violation of this section the 190
affidavit and warrant shall specify the time, place, and speed at 191
which the defendant is alleged to have driven, and in charges made 192
in reliance upon division (C) of this section also the speed which 193
division (B)(1)(a), (2), (3), (4), (6), ~~or~~ (7), or (8) of, or a 194
limit declared pursuant to, this section declares is prima-facie 195
lawful at the time and place of such alleged violation, except 196
that in affidavits where a person is alleged to have driven at a 197
greater speed than will permit the person to bring the vehicle to 198
a stop within the assured clear distance ahead the affidavit and 199
warrant need not specify the speed at which the defendant is 200
alleged to have driven. 201

(F) When a speed in excess of both a prima-facie limitation 202
and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 203
this section is alleged, the defendant shall be charged in a 204
single affidavit, alleging a single act, with a violation 205

indicated of both division (B)(1)(a), (2), (3), (4), (6), ~~or (7)~~, or (8) of this section, or of a limit declared pursuant to this section by the director or local authorities, and of the limitation in division (D)(1), (2), (3), (4), (5), or (6) of this section. If the court finds a violation of division (B)(1)(a), (2), (3), (4), (6), ~~or (7)~~, or (8) of, or a limit declared pursuant to, this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (D)(1), (2), (3), (4), (5), or (6) of this section. If it finds no violation of division (B)(1)(a), (2), (3), (4), (6), ~~or (7)~~, or (8) of, or a limit declared pursuant to, this section, it shall then consider whether the evidence supports a conviction under division (D)(1), (2), (3), (4), (5), or (6) of this section.

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

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

(I)(1) Except as provided in divisions (I)(2) and (K) of this section, whenever local authorities determine upon the basis of an engineering and traffic investigation that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the local authorities may by resolution request the director to

determine and declare a reasonable and safe prima-facie speed 238
limit. Upon receipt of such request the director may determine and 239
declare a reasonable and safe prima-facie speed limit at such 240
location, and if the director does so, then such declared speed 241
limit shall become effective only when appropriate signs giving 242
notice thereof are erected at such location by the local 243
authorities. The director may withdraw the declaration of a 244
prima-facie speed limit whenever in the director's opinion the 245
altered prima-facie speed becomes unreasonable. Upon such 246
withdrawal, the declared prima-facie speed shall become 247
ineffective and the signs relating thereto shall be immediately 248
removed by the local authorities. 249

(2) A local authority may determine on the basis of a 250
geometric and traffic characteristic study that the speed limit of 251
sixty-five miles per hour on a portion of a freeway under its 252
jurisdiction that was established through the operation of 253
division (L)(3) of this section is greater than is reasonable or 254
safe under the conditions found to exist at that portion of the 255
freeway. If the local authority makes such a determination, the 256
local authority by resolution may request the director to 257
determine and declare a reasonable and safe speed limit of not 258
less than fifty-five miles per hour for that portion of the 259
freeway. If the director takes such action, the declared speed 260
limit becomes effective only when appropriate signs giving notice 261
of it are erected at such location by the local authority. 262

(J) Local authorities in their respective jurisdictions may 263
authorize by ordinance higher prima-facie speeds than those stated 264
in this section upon through highways, or upon highways or 265
portions thereof where there are no intersections, or between 266
widely spaced intersections, provided signs are erected giving 267
notice of the authorized speed, but local authorities shall not 268
modify or alter the basic rule set forth in division (A) of this 269

section or in any event authorize by ordinance a speed in excess 270
of fifty miles per hour. 271

Alteration of prima-facie limits on state routes by local 272
authorities shall not be effective until the alteration has been 273
approved by the director. The director may withdraw approval of 274
any altered prima-facie speed limits whenever in the director's 275
opinion any altered prima-facie speed becomes unreasonable, and 276
upon such withdrawal, the altered prima-facie speed shall become 277
ineffective and the signs relating thereto shall be immediately 278
removed by the local authorities. 279

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 280
section, "unimproved highway" means a highway consisting of any of 281
the following: 282

(a) Unimproved earth; 283

(b) Unimproved graded and drained earth; 284

(c) Gravel. 285

(2) Except as otherwise provided in divisions (K)(4) and (5) 286
of this section, whenever a board of township trustees determines 287
upon the basis of an engineering and traffic investigation that 288
the speed permitted by division (B)(5) of this section on any part 289
of an unimproved highway under its jurisdiction and in the 290
unincorporated territory of the township is greater than is 291
reasonable or safe under the conditions found to exist at the 292
location, the board may by resolution declare a reasonable and 293
safe prima-facie speed limit of fifty-five but not less than 294
twenty-five miles per hour. An altered speed limit adopted by a 295
board of township trustees under this division becomes effective 296
when appropriate traffic control devices, as prescribed in section 297
4511.11 of the Revised Code, giving notice thereof are erected at 298
the location, which shall be no sooner than sixty days after 299
adoption of the resolution. 300

(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 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 333
withdrawn unless the boards of township trustees of both townships 334
determine that the altered prima-facie speed limit previously 335
adopted becomes unreasonable and each board adopts a resolution 336
withdrawing the altered prima-facie speed limit pursuant to the 337
procedure specified in division (K)(3)(a) of this section. 338

(b) Whenever a highway described in division (K)(4)(a) of 339
this section ceases to be an unimproved highway and two boards of 340
township trustees have adopted an altered prima-facie speed limit 341
pursuant to division (K)(4)(a) of this section, both boards shall, 342
by resolution, withdraw the altered prima-facie speed limit as 343
soon as the highway ceases to be unimproved. Upon the adoption of 344
the resolution, the altered prima-facie speed limit becomes 345
ineffective and the traffic control devices relating thereto shall 346
be immediately removed. 347

(5) As used in division (K)(5) of this section: 348

(a) "Commercial subdivision" means any platted territory 349
outside the limits of a municipal corporation and fronting a 350
highway where, for a distance of three hundred feet or more, the 351
frontage is improved with buildings in use for commercial 352
purposes, or where the entire length of the highway is less than 353
three hundred feet long and the frontage is improved with 354
buildings in use for commercial purposes. 355

(b) "Residential subdivision" means any platted territory 356
outside the limits of a municipal corporation and fronting a 357
highway, where, for a distance of three hundred feet or more, the 358
frontage is improved with residences or residences and buildings 359
in use for business, or where the entire length of the highway is 360
less than three hundred feet long and the frontage is improved 361
with residences or residences and buildings in use for business. 362

Whenever a board of township trustees finds upon the basis of 363

an engineering and traffic investigation that the prima-facie 364
speed permitted by division (B)(5) of this section on any part of 365
a highway under its jurisdiction that is located in a commercial 366
or residential subdivision, except on highways or portions thereof 367
at the entrances to which vehicular traffic from the majority of 368
intersecting highways is required to yield the right-of-way to 369
vehicles on such highways in obedience to stop or yield signs or 370
traffic control signals, is greater than is reasonable and safe 371
under the conditions found to exist at the location, the board may 372
by resolution declare a reasonable and safe prima-facie speed 373
limit of less than fifty-five but not less than twenty-five miles 374
per hour at the location. An altered speed limit adopted by a 375
board of township trustees under this division shall become 376
effective when appropriate signs giving notice thereof are erected 377
at the location by the township. Whenever, in the opinion of a 378
board of township trustees, any altered prima-facie speed limit 379
established by it under this division becomes unreasonable, it may 380
adopt a resolution withdrawing the altered prima-facie speed, and 381
upon such withdrawal, the altered prima-facie speed shall become 382
ineffective, and the signs relating thereto shall be immediately 383
removed by the township. 384

(L)(1) Within one hundred twenty days of February 29, 1996, 385
the director of transportation, based upon a geometric and traffic 386
characteristic study of a freeway that is part of the interstate 387
system or that is not part of the interstate system, but is built 388
to the standards and specifications that are applicable to 389
freeways that are part of the interstate system, in consultation 390
with the director of public safety and, if applicable, the local 391
authority having jurisdiction over a portion of such freeway, may 392
determine and declare that the speed limit of less than sixty-five 393
miles per hour established on such freeway or portion of freeway 394
either is reasonable and safe or is less than that which is 395

reasonable and safe. 396

(2) If the established speed limit for such a freeway or 397
portion of freeway is determined to be less than that which is 398
reasonable and safe, the director of transportation, in 399
consultation with the director of public safety and, if 400
applicable, the local authority having jurisdiction over the 401
portion of freeway, shall determine and declare a reasonable and 402
safe speed limit of not more than sixty-five miles per hour for 403
that freeway or portion of freeway. 404

The director of transportation or local authority having 405
jurisdiction over the freeway or portion of freeway shall erect 406
appropriate signs giving notice of the speed limit at such 407
location within one hundred fifty days of February 29, 1996. Such 408
speed limit becomes effective only when such signs are erected at 409
the location. 410

(3) If, within one hundred twenty days of February 29, 1996, 411
the director of transportation does not make a determination and 412
declaration of a reasonable and safe speed limit for a freeway or 413
portion of freeway that is part of the interstate system or that 414
is not part of the interstate system, but is built to the 415
standards and specifications that are applicable to freeways that 416
are part of the interstate system and that has a speed limit of 417
less than sixty-five miles per hour, the speed limit on that 418
freeway or portion of a freeway shall be sixty-five miles per 419
hour. The director of transportation or local authority having 420
jurisdiction over the freeway or portion of the freeway shall 421
erect appropriate signs giving notice of the speed limit of 422
sixty-five miles per hour at such location within one hundred 423
fifty days of February 29, 1996. Such speed limit becomes 424
effective only when such signs are erected at the location. A 425
speed limit established through the operation of division (L)(3) 426
of this section is subject to reduction under division (I)(2) of 427

this section. 428

(M) Within three hundred sixty days after February 29, 1996, 429
the director of transportation, based upon a geometric and traffic 430
characteristic study of a rural, divided, multi-lane highway that 431
has been designated as part of the national highway system under 432
the "National Highway System Designation Act of 1995," 109 Stat. 433
568, 23 U.S.C.A. 103, in consultation with the director of public 434
safety and, if applicable, the local authority having jurisdiction 435
over a portion of the highway, may determine and declare that the 436
speed limit of less than sixty-five miles per hour established on 437
the highway or portion of highway either is reasonable and safe or 438
is less than that which is reasonable and safe. 439

If the established speed limit for the highway or portion of 440
highway is determined to be less than that which is reasonable and 441
safe, the director of transportation, in consultation with the 442
director of public safety and, if applicable, the local authority 443
having jurisdiction over the portion of highway, shall determine 444
and declare a reasonable and safe speed limit of not more than 445
sixty-five miles per hour for that highway or portion of highway. 446
The director of transportation or local authority having 447
jurisdiction over the highway or portion of highway shall erect 448
appropriate signs giving notice of the speed limit at such 449
location within three hundred ninety days after February 29, 1996. 450
The speed limit becomes effective only when such signs are erected 451
at the location. 452

(N)(1)(a) If the boundary of two local authorities rests on 453
the centerline of a highway and both authorities have jurisdiction 454
over the highway, the speed limit for the part of the highway 455
within their joint jurisdiction shall be either one of the 456
following as agreed to by both authorities: 457

(i) Either prima-facie speed limit permitted by division (B) 458

of this section; 459

(ii) An altered speed limit determined and posted in 460
accordance with this section. 461

(b) If the local authorities are unable to reach an 462
agreement, the speed limit shall remain as established and posted 463
under this section. 464

(2) Neither local authority may declare an altered 465
prima-facie speed limit pursuant to this section on the part of 466
the highway under their joint jurisdiction unless both of the 467
local authorities determine, upon the basis of an engineering and 468
traffic investigation, that the speed permitted by this section is 469
greater than is reasonable or safe under the conditions found to 470
exist at the location and both authorities agree upon a uniform 471
reasonable and safe prima-facie speed limit of less than 472
fifty-five but not less than twenty-five miles per hour for that 473
location. If both authorities so agree, each shall follow the 474
procedure specified in this section for altering the prima-facie 475
speed limit on the highway, and the speed limit for the part of 476
the highway within their joint jurisdiction shall be uniformly 477
altered. No altered speed limit may be withdrawn unless both local 478
authorities determine that the altered prima-facie speed limit 479
previously adopted becomes unreasonable and each adopts a 480
resolution withdrawing the altered prima-facie speed limit 481
pursuant to the procedure specified in this section. 482

(0) As used in this section: 483

(1) "Interstate system" has the same meaning as in 23 484
U.S.C.A. 101. 485

(2) "Commercial bus" means a motor vehicle designed for 486
carrying more than nine passengers and used for the transportation 487
of persons for compensation. 488

(3) "Noncommercial bus" includes but is not limited to a 489
school bus or a motor vehicle operated solely for the 490
transportation of persons associated with a charitable or 491
nonprofit organization. 492

(P)(1) A violation of any provision of this section is one of 493
the following: 494

(a) Except as otherwise provided in divisions (P)(1)(b), 495
(1)(c), (2), and (3) of this section, a minor misdemeanor; 496

(b) If, within one year of the offense, the offender 497
previously has been convicted of or pleaded guilty to two 498
violations of any provision of this section or of any provision of 499
a municipal ordinance that is substantially similar to any 500
provision of this section, a misdemeanor of the fourth degree; 501

(c) If, within one year of the offense, the offender 502
previously has been convicted of or pleaded guilty to three or 503
more violations of any provision of this section or of any 504
provision of a municipal ordinance that is substantially similar 505
to any provision of this section, a misdemeanor of the third 506
degree. 507

(2) If the offender has not previously been convicted of or 508
pleaded guilty to a violation of any provision of this section or 509
of any provision of a municipal ordinance that is substantially 510
similar to this section and operated a motor vehicle faster than 511
thirty-five miles an hour in a business district of a municipal 512
corporation, faster than fifty miles an hour in other portions of 513
a municipal corporation, or faster than thirty-five miles an hour 514
in a school zone during recess or while children are going to or 515
leaving school during the school's opening or closing hours, a 516
misdemeanor of the fourth degree. 517

(3) Notwithstanding division (P)(1) of this section, if the 518
offender operated a motor vehicle in a construction zone where a 519

sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

Sec. 4511.251. (A) As used in this section and section 4510.036 of the Revised Code, "street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by divisions (B)(1)(a) to (B)~~(7)~~(8) of section 4511.21 of the Revised Code or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(B) No person shall participate in street racing upon any public road, street, or highway in this state.

(C) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction

permit, probationary license, or nonresident operating privilege 551
for not less than thirty days or more than three years. No judge 552
shall suspend the first thirty days of any suspension of an 553
offender's license, permit, or privilege imposed under this 554
division. 555

Section 2. That existing sections 4511.21 and 4511.251 of the 556
Revised Code are hereby repealed. 557