

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 62**

**Senator Miller, R.**

**Cosponsors: Senators Smith, Goodman**

—

**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. 44

(c) As used in this section, "school zone" means that portion 45  
of a street or highway passing a school fronting upon the street 46  
or highway that is encompassed by projecting the school property 47  
lines to the fronting street or highway, and also includes that 48  
portion of a state highway. Upon request from local authorities 49  
for streets and highways under their jurisdiction and that portion 50  
of a state highway under the jurisdiction of the director of 51

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

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

(2) Twenty-five miles per hour in all other portions of a 95  
municipal corporation, except on state routes outside business 96  
districts, through highways outside business districts, and 97  
alleys; 98

(3) Thirty-five miles per hour on all state routes or through 99  
highways within municipal corporations outside business districts, 100  
except as provided in divisions (B)(4) and (6) of this section; 101

(4) Fifty miles per hour on controlled-access highways and 102  
expressways within municipal corporations; 103

(5) Fifty-five miles per hour on highways outside municipal 104  
corporations, other than highways within island jurisdictions as 105  
provided in division (B)(8) of this section and freeways as 106  
provided in division (B)(13) of this section; 107

(6) Fifty miles per hour on state routes within municipal 108  
corporations outside urban districts unless a lower prima-facie 109  
speed is established as further provided in this section; 110

(7) Fifteen miles per hour on all alleys within the municipal 111  
corporation; 112

(8) Thirty-five miles per hour on highways outside municipal 113

corporations that are within an island jurisdiction;	114
(9) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in division (B)(13) of this section;	115 116 117
(10) Fifty-five miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in division (B)(13) of this section;	118 119 120
(11) 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;	121 122 123 124 125 126 127
(12) 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;	128 129 130 131 132 133 134 135 136 137
(13) 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:	138 139 140
(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 to the standards and specifications that are applicable to	141 142 143 144

freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995;

(b) Freeways that are part of the interstate system 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 under division (L) of this section;

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

(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), and (8) of this section, or any declared 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.

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

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

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

(3) If a motor vehicle weighing in excess of eight thousand pounds empty weight or a noncommercial bus as prescribed in division (B)(11) of this section, at a speed exceeding fifty-five

miles per hour upon a freeway as provided in that division; 176

(4) At a speed exceeding the posted speed limit upon a 177  
freeway for which the director has determined and declared a speed 178  
limit of not more than sixty-five miles per hour pursuant to 179  
division (L)(2) or (M) of this section; 180

(5) At a speed exceeding sixty-five miles per hour upon a 181  
freeway for which such a speed limit has been established through 182  
the operation of division (L)(3) of this section; 183

(6) At a speed exceeding the posted speed limit upon a 184  
freeway for which the director has determined and declared a speed 185  
limit pursuant to division (I)(2) of this section. 186

(E) In every charge of violation of this section the 187  
affidavit and warrant shall specify the time, place, and speed at 188  
which the defendant is alleged to have driven, and in charges made 189  
in reliance upon division (C) of this section also the speed which 190  
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 191  
declared pursuant to, this section declares is prima-facie lawful 192  
at the time and place of such alleged violation, except that in 193  
affidavits where a person is alleged to have driven at a greater 194  
speed than will permit the person to bring the vehicle to a stop 195  
within the assured clear distance ahead the affidavit and warrant 196  
need not specify the speed at which the defendant is alleged to 197  
have driven. 198

(F) When a speed in excess of both a prima-facie limitation 199  
and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 200  
this section is alleged, the defendant shall be charged in a 201  
single affidavit, alleging a single act, with a violation 202  
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 203  
(8) of this section, or of a limit declared pursuant to this 204  
section by the director or local authorities, and of the 205  
limitation in division (D)(1), (2), (3), (4), (5), or (6) of this 206

section. If the court finds a violation of division (B)(1)(a), 207  
(2), (3), (4), (6), (7), or (8) of, or a limit declared pursuant 208  
to, this section has occurred, it shall enter a judgment of 209  
conviction under such division and dismiss the charge under 210  
division (D)(1), (2), (3), (4), (5), or (6) of this section. If it 211  
finds no violation of division (B)(1)(a), (2), (3), (4), (6), (7), 212  
or (8) of, or a limit declared pursuant to, this section, it shall 213  
then consider whether the evidence supports a conviction under 214  
division (D)(1), (2), (3), (4), (5), or (6) of this section. 215

(G) Points shall be assessed for violation of a limitation 216  
under division (D) of this section in accordance with section 217  
4510.036 of the Revised Code. 218

(H) Whenever the director determines upon the basis of a 219  
geometric and traffic characteristic study that any speed limit 220  
set forth in divisions (B)(1)(a) to (D) of this section is greater 221  
or less than is reasonable or safe under the conditions found to 222  
exist at any portion of a street or highway under the jurisdiction 223  
of the director, the director shall determine and declare a 224  
reasonable and safe prima-facie speed limit, which shall be 225  
effective when appropriate signs giving notice of it are erected 226  
at the location. 227

(I)(1) Except as provided in divisions (I)(2) and (K) of this 228  
section, whenever local authorities determine upon the basis of an 229  
engineering and traffic investigation that the speed permitted by 230  
divisions (B)(1)(a) to (D) of this section, on any part of a 231  
highway under their jurisdiction, is greater than is reasonable 232  
and safe under the conditions found to exist at such location, the 233  
local authorities may by resolution request the director to 234  
determine and declare a reasonable and safe prima-facie speed 235  
limit. Upon receipt of such request the director may determine and 236  
declare a reasonable and safe prima-facie speed limit at such 237  
location, and if the director does so, then such declared speed 238



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

(2) A local authority may determine on the basis of a 247  
geometric and traffic characteristic study that the speed limit of 248  
sixty-five miles per hour on a portion of a freeway under its 249  
jurisdiction that was established through the operation of 250  
division (L)(3) of this section is greater than is reasonable or 251  
safe under the conditions found to exist at that portion of the 252  
freeway. If the local authority makes such a determination, the 253  
local authority by resolution may request the director to 254  
determine and declare a reasonable and safe speed limit of not 255  
less than fifty-five miles per hour for that portion of the 256  
freeway. If the director takes such action, the declared speed 257  
limit becomes effective only when appropriate signs giving notice 258  
of it are erected at such location by the local authority. 259

(J) Local authorities in their respective jurisdictions may 260  
authorize by ordinance higher prima-facie speeds than those stated 261  
in this section upon through highways, or upon highways or 262  
portions thereof where there are no intersections, or between 263  
widely spaced intersections, provided signs are erected giving 264  
notice of the authorized speed, but local authorities shall not 265  
modify or alter the basic rule set forth in division (A) of this 266  
section or in any event authorize by ordinance a speed in excess 267  
of fifty miles per hour. 268

Alteration of prima-facie limits on state routes by local 269  
authorities shall not be effective until the alteration has been 270

approved by the director. The director may withdraw approval of 271  
any altered prima-facie speed limits whenever in the director's 272  
opinion any altered prima-facie speed becomes unreasonable, and 273  
upon such withdrawal, the altered prima-facie speed shall become 274  
ineffective and the signs relating thereto shall be immediately 275  
removed by the local authorities. 276

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 277  
section, "unimproved highway" means a highway consisting of any of 278  
the following: 279

(a) Unimproved earth; 280

(b) Unimproved graded and drained earth; 281

(c) Gravel. 282

(2) Except as otherwise provided in divisions (K)(4) and (5) 283  
of this section, whenever a board of township trustees determines 284  
upon the basis of an engineering and traffic investigation that 285  
the speed permitted by division (B)(5) of this section on any part 286  
of an unimproved highway under its jurisdiction and in the 287  
unincorporated territory of the township is greater than is 288  
reasonable or safe under the conditions found to exist at the 289  
location, the board may by resolution declare a reasonable and 290  
safe prima-facie speed limit of fifty-five but not less than 291  
twenty-five miles per hour. An altered speed limit adopted by a 292  
board of township trustees under this division becomes effective 293  
when appropriate traffic control devices, as prescribed in section 294  
4511.11 of the Revised Code, giving notice thereof are erected at 295  
the location, which shall be no sooner than sixty days after 296  
adoption of the resolution. 297

(3)(a) Whenever, in the opinion of a board of township 298  
trustees, any altered prima-facie speed limit established by the 299  
board under this division becomes unreasonable, the board may 300  
adopt a resolution withdrawing the altered prima-facie speed 301

limit. Upon the adoption of such a resolution, the altered 302  
prima-facie speed limit becomes ineffective and the traffic 303  
control devices relating thereto shall be immediately removed. 304

(b) Whenever a highway ceases to be an unimproved highway and 305  
the board has adopted an altered prima-facie speed limit pursuant 306  
to division (K)(2) of this section, the board shall, by 307  
resolution, withdraw the altered prima-facie speed limit as soon 308  
as the highway ceases to be unimproved. Upon the adoption of such 309  
a resolution, the altered prima-facie speed limit becomes 310  
ineffective and the traffic control devices relating thereto shall 311  
be immediately removed. 312

(4)(a) If the boundary of two townships rests on the 313  
centerline of an unimproved highway in unincorporated territory 314  
and both townships have jurisdiction over the highway, neither of 315  
the boards of township trustees of such townships may declare an 316  
altered prima-facie speed limit pursuant to division (K)(2) of 317  
this section on the part of the highway under their joint 318  
jurisdiction unless the boards of township trustees of both of the 319  
townships determine, upon the basis of an engineering and traffic 320  
investigation, that the speed permitted by division (B)(5) of this 321  
section is greater than is reasonable or safe under the conditions 322  
found to exist at the location and both boards agree upon a 323  
reasonable and safe prima-facie speed limit of less than 324  
fifty-five but not less than twenty-five miles per hour for that 325  
location. If both boards so agree, each shall follow the procedure 326  
specified in division (K)(2) of this section for altering the 327  
prima-facie speed limit on the highway. Except as otherwise 328  
provided in division (K)(4)(b) of this section, no speed limit 329  
altered pursuant to division (K)(4)(a) of this section may be 330  
withdrawn unless the boards of township trustees of both townships 331  
determine that the altered prima-facie speed limit previously 332  
adopted becomes unreasonable and each board adopts a resolution 333

withdrawing the altered prima-facie speed limit pursuant to the 334  
procedure specified in division (K)(3)(a) of this section. 335

(b) Whenever a highway described in division (K)(4)(a) of 336  
this section ceases to be an unimproved highway and two boards of 337  
township trustees have adopted an altered prima-facie speed limit 338  
pursuant to division (K)(4)(a) of this section, both boards shall, 339  
by resolution, withdraw the altered prima-facie speed limit as 340  
soon as the highway ceases to be unimproved. Upon the adoption of 341  
the resolution, the altered prima-facie speed limit becomes 342  
ineffective and the traffic control devices relating thereto shall 343  
be immediately removed. 344

(5) As used in division (K)(5) of this section: 345

(a) "Commercial subdivision" means any platted territory 346  
outside the limits of a municipal corporation and fronting a 347  
highway where, for a distance of three hundred feet or more, the 348  
frontage is improved with buildings in use for commercial 349  
purposes, or where the entire length of the highway is less than 350  
three hundred feet long and the frontage is improved with 351  
buildings in use for commercial purposes. 352

(b) "Residential subdivision" means any platted territory 353  
outside the limits of a municipal corporation and fronting a 354  
highway, where, for a distance of three hundred feet or more, the 355  
frontage is improved with residences or residences and buildings 356  
in use for business, or where the entire length of the highway is 357  
less than three hundred feet long and the frontage is improved 358  
with residences or residences and buildings in use for business. 359

Whenever a board of township trustees finds upon the basis of 360  
an engineering and traffic investigation that the prima-facie 361  
speed permitted by division (B)(5) of this section on any part of 362  
a highway under its jurisdiction that is located in a commercial 363  
or residential subdivision, except on highways or portions thereof 364

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

(L)(1) Within one hundred twenty days of February 29, 1996, 382  
the director of transportation, based upon a geometric and traffic 383  
characteristic study of a freeway that is part of the interstate 384  
system or that is not part of the interstate system, but is built 385  
to the standards and specifications that are applicable to 386  
freeways that are part of the interstate system, in consultation 387  
with the director of public safety and, if applicable, the local 388  
authority having jurisdiction over a portion of such freeway, may 389  
determine and declare that the speed limit of less than sixty-five 390  
miles per hour established on such freeway or portion of freeway 391  
either is reasonable and safe or is less than that which is 392  
reasonable and safe. 393

(2) If the established speed limit for such a freeway or 394  
portion of freeway is determined to be less than that which is 395  
reasonable and safe, the director of transportation, in 396

consultation with the director of public safety and, if 397  
applicable, the local authority having jurisdiction over the 398  
portion of freeway, shall determine and declare a reasonable and 399  
safe speed limit of not more than sixty-five miles per hour for 400  
that freeway or portion of freeway. 401

The director of transportation or local authority having 402  
jurisdiction over the freeway or portion of freeway shall erect 403  
appropriate signs giving notice of the speed limit at such 404  
location within one hundred fifty days of February 29, 1996. Such 405  
speed limit becomes effective only when such signs are erected at 406  
the location. 407

(3) If, within one hundred twenty days of February 29, 1996, 408  
the director of transportation does not make a determination and 409  
declaration of a reasonable and safe speed limit for a freeway or 410  
portion of freeway that is part of the interstate system or that 411  
is not part of the interstate system, but is built to the 412  
standards and specifications that are applicable to freeways that 413  
are part of the interstate system and that has a speed limit of 414  
less than sixty-five miles per hour, the speed limit on that 415  
freeway or portion of a freeway shall be sixty-five miles per 416  
hour. The director of transportation or local authority having 417  
jurisdiction over the freeway or portion of the freeway shall 418  
erect appropriate signs giving notice of the speed limit of 419  
sixty-five miles per hour at such location within one hundred 420  
fifty days of February 29, 1996. Such speed limit becomes 421  
effective only when such signs are erected at the location. A 422  
speed limit established through the operation of division (L)(3) 423  
of this section is subject to reduction under division (I)(2) of 424  
this section. 425

(M) Within three hundred sixty days after February 29, 1996, 426  
the director of transportation, based upon a geometric and traffic 427  
characteristic study of a rural, divided, multi-lane highway that 428

has been designated as part of the national highway system under 429  
the "National Highway System Designation Act of 1995," 109 Stat. 430  
568, 23 U.S.C.A. 103, in consultation with the director of public 431  
safety and, if applicable, the local authority having jurisdiction 432  
over a portion of the highway, may determine and declare that the 433  
speed limit of less than sixty-five miles per hour established on 434  
the highway or portion of highway either is reasonable and safe or 435  
is less than that which is reasonable and safe. 436

If the established speed limit for the highway or portion of 437  
highway is determined to be less than that which is reasonable and 438  
safe, the director of transportation, in consultation with the 439  
director of public safety and, if applicable, the local authority 440  
having jurisdiction over the portion of highway, shall determine 441  
and declare a reasonable and safe speed limit of not more than 442  
sixty-five miles per hour for that highway or portion of highway. 443  
The director of transportation or local authority having 444  
jurisdiction over the highway or portion of highway shall erect 445  
appropriate signs giving notice of the speed limit at such 446  
location within three hundred ninety days after February 29, 1996. 447  
The speed limit becomes effective only when such signs are erected 448  
at the location. 449

(N)(1)(a) If the boundary of two local authorities rests on 450  
the centerline of a highway and both authorities have jurisdiction 451  
over the highway, the speed limit for the part of the highway 452  
within their joint jurisdiction shall be either one of the 453  
following as agreed to by both authorities: 454

(i) Either prima-facie speed limit permitted by division (B) 455  
of this section; 456

(ii) An altered speed limit determined and posted in 457  
accordance with this section. 458

(b) If the local authorities are unable to reach an 459

agreement, the speed limit shall remain as established and posted 460  
under this section. 461

(2) Neither local authority may declare an altered 462  
prima-facie speed limit pursuant to this section on the part of 463  
the highway under their joint jurisdiction unless both of the 464  
local authorities determine, upon the basis of an engineering and 465  
traffic investigation, that the speed permitted by this section is 466  
greater than is reasonable or safe under the conditions found to 467  
exist at the location and both authorities agree upon a uniform 468  
reasonable and safe prima-facie speed limit of less than 469  
fifty-five but not less than twenty-five miles per hour for that 470  
location. If both authorities so agree, each shall follow the 471  
procedure specified in this section for altering the prima-facie 472  
speed limit on the highway, and the speed limit for the part of 473  
the highway within their joint jurisdiction shall be uniformly 474  
altered. No altered speed limit may be withdrawn unless both local 475  
authorities determine that the altered prima-facie speed limit 476  
previously adopted becomes unreasonable and each adopts a 477  
resolution withdrawing the altered prima-facie speed limit 478  
pursuant to the procedure specified in this section. 479

(0) As used in this section: 480

(1) "Interstate system" has the same meaning as in 23 481  
U.S.C.A. 101. 482

(2) "Commercial bus" means a motor vehicle designed for 483  
carrying more than nine passengers and used for the transportation 484  
of persons for compensation. 485

(3) "Noncommercial bus" includes but is not limited to a 486  
school bus or a motor vehicle operated solely for the 487  
transportation of persons associated with a charitable or 488  
nonprofit organization. 489

(P)(1) A violation of any provision of this section is one of 490



the following: 491

(a) Except as otherwise provided in divisions (P)(1)(b), 492  
(1)(c), (2), ~~and~~ (3), and (4) of this section, a minor 493  
misdemeanor; 494

(b) If, within one year of the offense, the offender 495  
previously has been convicted of or pleaded guilty to two 496  
violations of any provision of this section or of any provision of 497  
a municipal ordinance that is substantially similar to any 498  
provision of this section, a misdemeanor of the fourth degree; 499

(c) If, within one year of the offense, the offender 500  
previously has been convicted of or pleaded guilty to three or 501  
more violations of any provision of this section or of any 502  
provision of a municipal ordinance that is substantially similar 503  
to any provision of this section, a misdemeanor of the third 504  
degree. 505

(2) If the offender has not previously been convicted of or 506  
pleaded guilty to a violation of any provision of this section or 507  
of any provision of a municipal ordinance that is substantially 508  
similar to this section and operated a motor vehicle faster than 509  
thirty-five miles an hour in a business district of a municipal 510  
corporation, faster than fifty miles an hour in other portions of 511  
a municipal corporation, or faster than thirty-five miles an hour 512  
in a school zone during recess or while children are going to or 513  
leaving school during the school's opening or closing hours, a 514  
misdemeanor of the fourth degree. 515

(3) Notwithstanding division (P)(1) of this section, if the 516  
offender operated a motor vehicle in a construction zone where a 517  
sign was then posted in accordance with section 4511.98 of the 518  
Revised Code, the court, in addition to all other penalties 519  
provided by law, shall impose upon the offender a fine of two 520  
times the usual amount imposed for the violation. No court shall 521

impose a fine of two times the usual amount imposed for the 522  
violation upon an offender if the offender alleges, in an 523  
affidavit filed with the court prior to the offender's sentencing, 524  
that the offender is indigent and is unable to pay the fine 525  
imposed pursuant to this division and if the court determines that 526  
the offender is an indigent person and unable to pay the fine. 527

(4) Notwithstanding division (P)(1) of this section, upon a 528  
finding that a person operated a motor vehicle in violation of 529  
section 4511.21 of the Revised Code while passing through a school 530  
zone during recess or while children are going to or leaving 531  
school during the opening or closing hours, the court, in addition 532  
to all other penalties provided by law, shall impose upon the 533  
offender a fine of two times the usual amount imposed for the 534  
violation. No court shall impose a fine of two times the usual 535  
amount imposed for the violation upon an offender if the offender 536  
alleges, in an affidavit filed with the court prior to the 537  
offender's sentencing, that the offender is indigent and is unable 538  
to pay the fine imposed pursuant to this division and if the court 539  
determines the offender is an indigent person and unable to pay 540  
the fine. 541

**Section 2.** That existing section 4511.21 of the Revised Code 542  
is hereby repealed. 543