

As Passed by the Senate

128th General Assembly

Regular Session

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Am. Sub. H. B. No. 330

Representative Patten

Cosponsors: Representatives Chandler, DeGeeter, Domenick, Evans, Fende, Foley, Garland, Harris, Letson, Okey, Phillips, Pryor, Skindell, Weddington, Williams, B., Yuko, Hagan, Mallory, Bolon, Combs, Balderson, McClain, Ruhl, Adams, R., Bacon, Baker, Batchelder, Belcher, Boose, Brown, Bubp, Burke, Carney, Celeste, Coley, Daniels, DeBose, Derickson, Dodd, Driehaus, Dyer, Gardner, Garrison, Gerberry, Goodwin, Goyal, Grossman, Hackett, Hall, Harwood, Hite, Hottinger, Huffman, Jordan, Koziura, Luckie, Lundy, Maag, Mandel, Martin, McGregor, Mecklenborg, Moran, Morgan, Murray, Newcomb, Pillich, Sayre, Slesnick, Snitchler, Stewart, Szollosi, Uecker, Ujvagi, Wagner, Winburn, Zehringer

Senators Gillmor, Schuring, Wagoner, Harris, Gibbs, Strahorn, Fedor, Jones

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A B I L L

To amend sections 4511.21, 4513.61, and 5513.01 and 1
to enact section 5577.043 of the Revised Code, and 2
to amend Section 509.10 of Am. Sub. H.B. 1 of the 3
128th General Assembly to authorize the director 4
of transportation to include school districts in 5
purchase contracts for machinery, materials, 6
supplies, and other articles; to establish 7
prima-facie speed limits of 35 and 40 miles per 8
hour on certain streets within the municipal 9
corporation of Marblehead; to prohibit a sheriff 10
or police chief from charging to file an affidavit 11
related to disposing of a vehicle the sheriff or 12

chief ordered into storage; to allow, in counties 13
with a specified population, the operation on 14
local roads of vehicles weighing up to 120,000 15
pounds under certain circumstances; to prescribe a 16
minimum number of meetings for the Budget Planning 17
and Management Commission; and to declare an 18
emergency. 19

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

Section 1. That sections 4511.21, 4513.61, and 5513.01 be 20
amended and section 5577.043 of the Revised Code be enacted to 21
read as follows: 22

Sec. 4511.21. (A) No person shall operate a motor vehicle, 23
trackless trolley, or streetcar at a speed greater or less than is 24
reasonable or proper, having due regard to the traffic, surface, 25
and width of the street or highway and any other conditions, and 26
no person shall drive any motor vehicle, trackless trolley, or 27
streetcar in and upon any street or highway at a greater speed 28
than will permit the person to bring it to a stop within the 29
assured clear distance ahead. 30

(B) It is prima-facie lawful, in the absence of a lower limit 31
declared or established pursuant to this section by the director 32
of transportation or local authorities, for the operator of a 33
motor vehicle, trackless trolley, or streetcar to operate the same 34
at a speed not exceeding the following: 35

(1)(a) Twenty miles per hour in school zones during school 36
recess and while children are going to or leaving school during 37
the opening or closing hours, and when twenty miles per hour 38
school speed limit signs are erected; except that, on 39
controlled-access highways and expressways, if the right-of-way 40

line fence has been erected without pedestrian opening, the speed 41
shall be governed by division (B)(4) of this section and on 42
freeways, if the right-of-way line fence has been erected without 43
pedestrian opening, the speed shall be governed by divisions 44
(B)(9) and (10) of this section. The end of every school zone may 45
be marked by a sign indicating the end of the zone. Nothing in 46
this section or in the manual and specifications for a uniform 47
system of traffic control devices shall be construed to require 48
school zones to be indicated by signs equipped with flashing or 49
other lights, or giving other special notice of the hours in which 50
the school zone speed limit is in effect. 51

(b) As used in this section and in section 4511.212 of the 52
Revised Code, "school" means any school chartered under section 53
3301.16 of the Revised Code and any nonchartered school that 54
during the preceding year filed with the department of education 55
in compliance with rule 3301-35-08 of the Ohio Administrative 56
Code, a copy of the school's report for the parents of the 57
school's pupils certifying that the school meets Ohio minimum 58
standards for nonchartered, nontax-supported schools and presents 59
evidence of this filing to the jurisdiction from which it is 60
requesting the establishment of a school zone. "School" also 61
includes a special elementary school that in writing requests the 62
county engineer of the county in which the special elementary 63
school is located to create a school zone at the location of that 64
school. Upon receipt of such a written request, the county 65
engineer shall create a school zone at that location by erecting 66
the appropriate signs. 67

(c) As used in this section, "school zone" means that portion 68
of a street or highway passing a school fronting upon the street 69
or highway that is encompassed by projecting the school property 70
lines to the fronting street or highway, and also includes that 71
portion of a state highway. Upon request from local authorities 72

for streets and highways under their jurisdiction and that portion 73
of a state highway under the jurisdiction of the director of 74
transportation or a request from a county engineer in the case of 75
a school zone for a special elementary school, the director may 76
extend the traditional school zone boundaries. The distances in 77
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 78
exceed three hundred feet per approach per direction and are 79
bounded by whichever of the following distances or combinations 80
thereof the director approves as most appropriate: 81

(i) The distance encompassed by projecting the school 82
building lines normal to the fronting highway and extending a 83
distance of three hundred feet on each approach direction; 84

(ii) The distance encompassed by projecting the school 85
property lines intersecting the fronting highway and extending a 86
distance of three hundred feet on each approach direction; 87

(iii) The distance encompassed by the special marking of the 88
pavement for a principal school pupil crosswalk plus a distance of 89
three hundred feet on each approach direction of the highway. 90

Nothing in this section shall be construed to invalidate the 91
director's initial action on August 9, 1976, establishing all 92
school zones at the traditional school zone boundaries defined by 93
projecting school property lines, except when those boundaries are 94
extended as provided in divisions (B)(1)(a) and (c) of this 95
section. 96

(d) As used in this division, "crosswalk" has the meaning 97
given that term in division (LL)(2) of section 4511.01 of the 98
Revised Code. 99

The director may, upon request by resolution of the 100
legislative authority of a municipal corporation, the board of 101
trustees of a township, or a county board of developmental 102
disabilities created pursuant to Chapter 5126. of the Revised 103

Code, and upon submission by the municipal corporation, township, 104
or county board of such engineering, traffic, and other 105
information as the director considers necessary, designate a 106
school zone on any portion of a state route lying within the 107
municipal corporation, lying within the unincorporated territory 108
of the township, or lying adjacent to the property of a school 109
that is operated by such county board, that includes a crosswalk 110
customarily used by children going to or leaving a school during 111
recess and opening and closing hours, whenever the distance, as 112
measured in a straight line, from the school property line nearest 113
the crosswalk to the nearest point of the crosswalk is no more 114
than one thousand three hundred twenty feet. Such a school zone 115
shall include the distance encompassed by the crosswalk and 116
extending three hundred feet on each approach direction of the 117
state route. 118

(e) As used in this section, "special elementary school" 119
means a school that meets all of the following criteria: 120

(i) It is not chartered and does not receive tax revenue from 121
any source. 122

(ii) It does not educate children beyond the eighth grade. 123

(iii) It is located outside the limits of a municipal 124
corporation. 125

(iv) A majority of the total number of students enrolled at 126
the school are not related by blood. 127

(v) The principal or other person in charge of the special 128
elementary school annually sends a report to the superintendent of 129
the school district in which the special elementary school is 130
located indicating the total number of students enrolled at the 131
school, but otherwise the principal or other person in charge does 132
not report any other information or data to the superintendent. 133

(2) Twenty-five miles per hour in all other portions of a 134

municipal corporation, except on state routes outside business	135
districts, through highways outside business districts, and	136
alleys;	137
(3) Thirty-five miles per hour on all state routes or through	138
highways within municipal corporations outside business districts,	139
except as provided in divisions (B)(4) and (6) of this section;	140
(4) Fifty miles per hour on controlled-access highways and	141
expressways within municipal corporations;	142
(5) Fifty-five miles per hour on highways outside municipal	143
corporations, other than highways within island jurisdictions as	144
provided in division (B)(8) of this section and freeways as	145
provided in divisions (B)(13) and (14) of this section;	146
(6) Fifty miles per hour on state routes within municipal	147
corporations outside urban districts unless a lower prima-facie	148
speed is established as further provided in this section;	149
(7) Fifteen miles per hour on all alleys within the municipal	150
corporation;	151
(8) Thirty-five miles per hour on highways outside municipal	152
corporations that are within an island jurisdiction;	153
(9) Fifty-five miles per hour at all times on freeways with	154
paved shoulders inside municipal corporations, other than freeways	155
as provided in divisions (B)(13) and (14) of this section;	156
(10) Fifty-five miles per hour at all times on freeways	157
outside municipal corporations, other than freeways as provided in	158
divisions (B)(13) and (14) of this section;	159
(11) Fifty-five miles per hour at all times on all portions	160
of freeways that are part of the interstate system and on all	161
portions of freeways that are not part of the interstate system,	162
but are built to the standards and specifications that are	163
applicable to freeways that are part of the interstate system for	164

operators of any motor vehicle weighing in excess of eight 165
thousand pounds empty weight and any noncommercial bus, except as 166
provided in division (B)(14) of this section; 167

(12) Fifty-five miles per hour for operators of any motor 168
vehicle weighing eight thousand pounds or less empty weight and 169
any commercial bus at all times on all portions of freeways that 170
are part of the interstate system and that had such a speed limit 171
established prior to October 1, 1995, and freeways that are not 172
part of the interstate system, but are built to the standards and 173
specifications that are applicable to freeways that are part of 174
the interstate system and that had such a speed limit established 175
prior to October 1, 1995, unless a higher speed limit is 176
established under division (L) of this section; 177

(13) Sixty-five miles per hour for operators of any motor 178
vehicle weighing eight thousand pounds or less empty weight and 179
any commercial bus at all times on all portions of the following: 180

(a) Freeways that are part of the interstate system and that 181
had such a speed limit established prior to October 1, 1995, and 182
freeways that are not part of the interstate system, but are built 183
to the standards and specifications that are applicable to 184
freeways that are part of the interstate system and that had such 185
a speed limit established prior to October 1, 1995; 186

(b) Freeways that are part of the interstate system and 187
freeways that are not part of the interstate system but are built 188
to the standards and specifications that are applicable to 189
freeways that are part of the interstate system, and that had such 190
a speed limit established under division (L) of this section; 191

(c) Rural, divided, multi-lane highways that are designated 192
as part of the national highway system under the "National Highway 193
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 194
and that had such a speed limit established under division (M) of 195

this section. 196

(14) Sixty-five miles per hour at all times on all portions 197
of freeways that are part of the interstate system and that had 198
such a speed limit on ~~the effective date of this amendment~~ July 1, 199
2009, for operators of any motor vehicle weighing in excess of 200
eight thousand pounds empty weight and any noncommercial bus; 201

(15)(a) Thirty-five miles per hour on the northern portion of 202
state route number one hundred sixty-three within the municipal 203
corporation of Marblehead, commencing at the western boundary of 204
Marblehead and proceeding in an easterly direction to the 205
intersection of that state route and Water street within that 206
municipal corporation; 207

(b) Forty miles per hour on the southern portion of state 208
route number one hundred sixty-three within the municipal 209
corporation of Marblehead, commencing at the western boundary of 210
Marblehead and proceeding in an easterly and then northeasterly 211
and then northerly direction to the intersection of that state 212
route and Lighthouse road within that municipal corporation. 213

(C) It is prima-facie unlawful for any person to exceed any 214
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 215
(6), (7), ~~and~~ (8), and (15) of this section, or any declared or 216
established pursuant to this section by the director or local 217
authorities and it is unlawful for any person to exceed any of the 218
speed limitations in division (D) of this section. No person shall 219
be convicted of more than one violation of this section for the 220
same conduct, although violations of more than one provision of 221
this section may be charged in the alternative in a single 222
affidavit. 223

(D) No person shall operate a motor vehicle, trackless 224
trolley, or streetcar upon a street or highway as follows: 225

(1) At a speed exceeding fifty-five miles per hour, except 226

upon a freeway as provided in divisions (B)(13) and (14) of this section; 227
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(2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in divisions (B)(13) and (14) of this section; 229
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(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; 231
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(4) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit of not more than sixty-five miles per hour pursuant to division (L)(2) or (M) of this section; 235
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(5) At a speed exceeding sixty-five miles per hour upon a freeway for which such a speed limit has been established through the operation of division (L)(3) of this section; 239
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(6) At a speed exceeding the posted speed limit upon a freeway for which the director has determined and declared a speed limit pursuant to division (I)(2) of this section. 242
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(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1)(a), (2), (3), (4), (6), (7), ~~or (8)~~, or (15) of, or a limit declared or established pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven. 245
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(F) When a speed in excess of both a prima-facie limitation 257

and a limitation in division (D)(1), (2), (3), (4), (5), or (6) of 258
this section is alleged, the defendant shall be charged in a 259
single affidavit, alleging a single act, with a violation 260
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), ~~or~~ 261
(8), or (15) of this section, or of a limit declared or 262
established pursuant to this section by the director or local 263
authorities, and of the limitation in division (D)(1), (2), (3), 264
(4), (5), or (6) of this section. If the court finds a violation 265
of division (B)(1)(a), (2), (3), (4), (6), (7), ~~or~~ (8), or (15) 266
of, or a limit declared or established pursuant to, this section 267
has occurred, it shall enter a judgment of conviction under such 268
division and dismiss the charge under division (D)(1), (2), (3), 269
(4), (5), or (6) of this section. If it finds no violation of 270
division (B)(1)(a), (2), (3), (4), (6), (7), ~~or~~ (8), or (15) of, 271
or a limit declared or established pursuant to, this section, it 272
shall then consider whether the evidence supports a conviction 273
under division (D)(1), (2), (3), (4), (5), or (6) of this section. 274

(G) Points shall be assessed for violation of a limitation 275
under division (D) of this section in accordance with section 276
4510.036 of the Revised Code. 277

(H) Whenever the director determines upon the basis of a 278
geometric and traffic characteristic study that any speed limit 279
set forth in divisions (B)(1)(a) to (D) of this section is greater 280
or less than is reasonable or safe under the conditions found to 281
exist at any portion of a street or highway under the jurisdiction 282
of the director, the director shall determine and declare a 283
reasonable and safe prima-facie speed limit, which shall be 284
effective when appropriate signs giving notice of it are erected 285
at the location. 286

(I)(1) Except as provided in divisions (I)(2) and (K) of this 287
section, whenever local authorities determine upon the basis of an 288
engineering and traffic investigation that the speed permitted by 289

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

(2) A local authority may determine on the basis of a 306
geometric and traffic characteristic study that the speed limit of 307
sixty-five miles per hour on a portion of a freeway under its 308
jurisdiction that was established through the operation of 309
division (L)(3) of this section is greater than is reasonable or 310
safe under the conditions found to exist at that portion of the 311
freeway. If the local authority makes such a determination, the 312
local authority by resolution may request the director to 313
determine and declare a reasonable and safe speed limit of not 314
less than fifty-five miles per hour for that portion of the 315
freeway. If the director takes such action, the declared speed 316
limit becomes effective only when appropriate signs giving notice 317
of it are erected at such location by the local authority. 318

(J) Local authorities in their respective jurisdictions may 319
authorize by ordinance higher prima-facie speeds than those stated 320
in this section upon through highways, or upon highways or 321

portions thereof where there are no intersections, or between 322
widely spaced intersections, provided signs are erected giving 323
notice of the authorized speed, but local authorities shall not 324
modify or alter the basic rule set forth in division (A) of this 325
section or in any event authorize by ordinance a speed in excess 326
of fifty miles per hour. 327

Alteration of prima-facie limits on state routes by local 328
authorities shall not be effective until the alteration has been 329
approved by the director. The director may withdraw approval of 330
any altered prima-facie speed limits whenever in the director's 331
opinion any altered prima-facie speed becomes unreasonable, and 332
upon such withdrawal, the altered prima-facie speed shall become 333
ineffective and the signs relating thereto shall be immediately 334
removed by the local authorities. 335

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 336
section, "unimproved highway" means a highway consisting of any of 337
the following: 338

(a) Unimproved earth; 339

(b) Unimproved graded and drained earth; 340

(c) Gravel. 341

(2) Except as otherwise provided in divisions (K)(4) and (5) 342
of this section, whenever a board of township trustees determines 343
upon the basis of an engineering and traffic investigation that 344
the speed permitted by division (B)(5) of this section on any part 345
of an unimproved highway under its jurisdiction and in the 346
unincorporated territory of the township is greater than is 347
reasonable or safe under the conditions found to exist at the 348
location, the board may by resolution declare a reasonable and 349
safe prima-facie speed limit of fifty-five but not less than 350
twenty-five miles per hour. An altered speed limit adopted by a 351
board of township trustees under this division becomes effective 352

when appropriate traffic control devices, as prescribed in section 353
4511.11 of the Revised Code, giving notice thereof are erected at 354
the location, which shall be no sooner than sixty days after 355
adoption of the resolution. 356

(3)(a) Whenever, in the opinion of a board of township 357
trustees, any altered prima-facie speed limit established by the 358
board under this division becomes unreasonable, the board may 359
adopt a resolution withdrawing the altered prima-facie speed 360
limit. Upon the adoption of such a resolution, the altered 361
prima-facie speed limit becomes ineffective and the traffic 362
control devices relating thereto shall be immediately removed. 363

(b) Whenever a highway ceases to be an unimproved highway and 364
the board has adopted an altered prima-facie speed limit pursuant 365
to division (K)(2) of this section, the board shall, by 366
resolution, withdraw the altered prima-facie speed limit as soon 367
as the highway ceases to be unimproved. Upon the adoption of such 368
a resolution, the altered prima-facie speed limit becomes 369
ineffective and the traffic control devices relating thereto shall 370
be immediately removed. 371

(4)(a) If the boundary of two townships rests on the 372
centerline of an unimproved highway in unincorporated territory 373
and both townships have jurisdiction over the highway, neither of 374
the boards of township trustees of such townships may declare an 375
altered prima-facie speed limit pursuant to division (K)(2) of 376
this section on the part of the highway under their joint 377
jurisdiction unless the boards of township trustees of both of the 378
townships determine, upon the basis of an engineering and traffic 379
investigation, that the speed permitted by division (B)(5) of this 380
section is greater than is reasonable or safe under the conditions 381
found to exist at the location and both boards agree upon a 382
reasonable and safe prima-facie speed limit of less than 383
fifty-five but not less than twenty-five miles per hour for that 384

location. If both boards so agree, each shall follow the procedure 385
specified in division (K)(2) of this section for altering the 386
prima-facie speed limit on the highway. Except as otherwise 387
provided in division (K)(4)(b) of this section, no speed limit 388
altered pursuant to division (K)(4)(a) of this section may be 389
withdrawn unless the boards of township trustees of both townships 390
determine that the altered prima-facie speed limit previously 391
adopted becomes unreasonable and each board adopts a resolution 392
withdrawing the altered prima-facie speed limit pursuant to the 393
procedure specified in division (K)(3)(a) of this section. 394

(b) Whenever a highway described in division (K)(4)(a) of 395
this section ceases to be an unimproved highway and two boards of 396
township trustees have adopted an altered prima-facie speed limit 397
pursuant to division (K)(4)(a) of this section, both boards shall, 398
by resolution, withdraw the altered prima-facie speed limit as 399
soon as the highway ceases to be unimproved. Upon the adoption of 400
the resolution, the altered prima-facie speed limit becomes 401
ineffective and the traffic control devices relating thereto shall 402
be immediately removed. 403

(5) As used in division (K)(5) of this section: 404

(a) "Commercial subdivision" means any platted territory 405
outside the limits of a municipal corporation and fronting a 406
highway where, for a distance of three hundred feet or more, the 407
frontage is improved with buildings in use for commercial 408
purposes, or where the entire length of the highway is less than 409
three hundred feet long and the frontage is improved with 410
buildings in use for commercial purposes. 411

(b) "Residential subdivision" means any platted territory 412
outside the limits of a municipal corporation and fronting a 413
highway, where, for a distance of three hundred feet or more, the 414
frontage is improved with residences or residences and buildings 415
in use for business, or where the entire length of the highway is 416

less than three hundred feet long and the frontage is improved 417
with residences or residences and buildings in use for business. 418

Whenever a board of township trustees finds upon the basis of 419
an engineering and traffic investigation that the prima-facie 420
speed permitted by division (B)(5) of this section on any part of 421
a highway under its jurisdiction that is located in a commercial 422
or residential subdivision, except on highways or portions thereof 423
at the entrances to which vehicular traffic from the majority of 424
intersecting highways is required to yield the right-of-way to 425
vehicles on such highways in obedience to stop or yield signs or 426
traffic control signals, is greater than is reasonable and safe 427
under the conditions found to exist at the location, the board may 428
by resolution declare a reasonable and safe prima-facie speed 429
limit of less than fifty-five but not less than twenty-five miles 430
per hour at the location. An altered speed limit adopted by a 431
board of township trustees under this division shall become 432
effective when appropriate signs giving notice thereof are erected 433
at the location by the township. Whenever, in the opinion of a 434
board of township trustees, any altered prima-facie speed limit 435
established by it under this division becomes unreasonable, it may 436
adopt a resolution withdrawing the altered prima-facie speed, and 437
upon such withdrawal, the altered prima-facie speed shall become 438
ineffective, and the signs relating thereto shall be immediately 439
removed by the township. 440

(L)(1) Within one hundred twenty days of February 29, 1996, 441
the director of transportation, based upon a geometric and traffic 442
characteristic study of a freeway that is part of the interstate 443
system or that is not part of the interstate system, but is built 444
to the standards and specifications that are applicable to 445
freeways that are part of the interstate system, in consultation 446
with the director of public safety and, if applicable, the local 447
authority having jurisdiction over a portion of such freeway, may 448

determine and declare that the speed limit of less than sixty-five 449
miles per hour established on such freeway or portion of freeway 450
either is reasonable and safe or is less than that which is 451
reasonable and safe. 452

(2) If the established speed limit for such a freeway or 453
portion of freeway is determined to be less than that which is 454
reasonable and safe, the director of transportation, in 455
consultation with the director of public safety and, if 456
applicable, the local authority having jurisdiction over the 457
portion of freeway, shall determine and declare a reasonable and 458
safe speed limit of not more than sixty-five miles per hour for 459
that freeway or portion of freeway. 460

The director of transportation or local authority having 461
jurisdiction over the freeway or portion of freeway shall erect 462
appropriate signs giving notice of the speed limit at such 463
location within one hundred fifty days of February 29, 1996. Such 464
speed limit becomes effective only when such signs are erected at 465
the location. 466

(3) If, within one hundred twenty days of February 29, 1996, 467
the director of transportation does not make a determination and 468
declaration of a reasonable and safe speed limit for a freeway or 469
portion of freeway that is part of the interstate system or that 470
is not part of the interstate system, but is built to the 471
standards and specifications that are applicable to freeways that 472
are part of the interstate system and that has a speed limit of 473
less than sixty-five miles per hour, the speed limit on that 474
freeway or portion of a freeway shall be sixty-five miles per 475
hour. The director of transportation or local authority having 476
jurisdiction over the freeway or portion of the freeway shall 477
erect appropriate signs giving notice of the speed limit of 478
sixty-five miles per hour at such location within one hundred 479
fifty days of February 29, 1996. Such speed limit becomes 480

effective only when such signs are erected at the location. A 481
speed limit established through the operation of division (L)(3) 482
of this section is subject to reduction under division (I)(2) of 483
this section. 484

(M) Within three hundred sixty days after February 29, 1996, 485
the director of transportation, based upon a geometric and traffic 486
characteristic study of a rural, divided, multi-lane highway that 487
has been designated as part of the national highway system under 488
the "National Highway System Designation Act of 1995," 109 Stat. 489
568, 23 U.S.C.A. 103, in consultation with the director of public 490
safety and, if applicable, the local authority having jurisdiction 491
over a portion of the highway, may determine and declare that the 492
speed limit of less than sixty-five miles per hour established on 493
the highway or portion of highway either is reasonable and safe or 494
is less than that which is reasonable and safe. 495

If the established speed limit for the highway or portion of 496
highway is determined to be less than that which is reasonable and 497
safe, the director of transportation, in consultation with the 498
director of public safety and, if applicable, the local authority 499
having jurisdiction over the portion of highway, shall determine 500
and declare a reasonable and safe speed limit of not more than 501
sixty-five miles per hour for that highway or portion of highway. 502
The director of transportation or local authority having 503
jurisdiction over the highway or portion of highway shall erect 504
appropriate signs giving notice of the speed limit at such 505
location within three hundred ninety days after February 29, 1996. 506
The speed limit becomes effective only when such signs are erected 507
at the location. 508

(N)(1)(a) If the boundary of two local authorities rests on 509
the centerline of a highway and both authorities have jurisdiction 510
over the highway, the speed limit for the part of the highway 511
within their joint jurisdiction shall be either one of the 512

following as agreed to by both authorities:	513
(i) Either prima-facie speed limit permitted by division (B) of this section;	514 515
(ii) An altered speed limit determined and posted in accordance with this section.	516 517
(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.	518 519 520
(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of an engineering and traffic investigation, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform 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 authorities so agree, each shall follow the procedure specified in this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.	521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538
(0) As used in this section:	539
(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.	540 541
(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation	542 543

of persons for compensation. 544

(3) "Noncommercial bus" includes but is not limited to a 545
school bus or a motor vehicle operated solely for the 546
transportation of persons associated with a charitable or 547
nonprofit organization. 548

(P)(1) A violation of any provision of this section is one of 549
the following: 550

(a) Except as otherwise provided in divisions (P)(1)(b), 551
(1)(c), (2), and (3) of this section, a minor misdemeanor; 552

(b) If, within one year of the offense, the offender 553
previously has been convicted of or pleaded guilty to two 554
violations of any provision of this section or of any provision of 555
a municipal ordinance that is substantially similar to any 556
provision of this section, a misdemeanor of the fourth degree; 557

(c) If, within one year of the offense, the offender 558
previously has been convicted of or pleaded guilty to three or 559
more violations of any provision of this section or of any 560
provision of a municipal ordinance that is substantially similar 561
to any provision of this section, a misdemeanor of the third 562
degree. 563

(2) If the offender has not previously been convicted of or 564
pleaded guilty to a violation of any provision of this section or 565
of any provision of a municipal ordinance that is substantially 566
similar to this section and operated a motor vehicle faster than 567
thirty-five miles an hour in a business district of a municipal 568
corporation, faster than fifty miles an hour in other portions of 569
a municipal corporation, or faster than thirty-five miles an hour 570
in a school zone during recess or while children are going to or 571
leaving school during the school's opening or closing hours, a 572
misdemeanor of the fourth degree. 573

(3) Notwithstanding division (P)(1) of this section, if the 574

offender operated a motor vehicle in a construction zone where a 575
sign was then posted in accordance with section 4511.98 of the 576
Revised Code, the court, in addition to all other penalties 577
provided by law, shall impose upon the offender a fine of two 578
times the usual amount imposed for the violation. No court shall 579
impose a fine of two times the usual amount imposed for the 580
violation upon an offender if the offender alleges, in an 581
affidavit filed with the court prior to the offender's sentencing, 582
that the offender is indigent and is unable to pay the fine 583
imposed pursuant to this division and if the court determines that 584
the offender is an indigent person and unable to pay the fine. 585

Sec. 4513.61. The sheriff of a county or chief of police of a 586
municipal corporation, township, or township police district, 587
within the sheriff's or chief's respective territorial 588
jurisdiction, or a state highway patrol trooper, upon notification 589
to the sheriff or chief of police of such action and of the 590
location of the place of storage, may order into storage any motor 591
vehicle, including an abandoned junk motor vehicle as defined in 592
section 4513.63 of the Revised Code, that has come into the 593
possession of the sheriff, chief of police, or state highway 594
patrol trooper as a result of the performance of the sheriff's, 595
chief's, or trooper's duties or that has been left on a public 596
street or other property open to the public for purposes of 597
vehicular travel, or upon or within the right-of-way of any road 598
or highway, for forty-eight hours or longer without notification 599
to the sheriff or chief of police of the reasons for leaving the 600
motor vehicle in such place, except that when such a motor vehicle 601
constitutes an obstruction to traffic it may be ordered into 602
storage immediately. The sheriff or chief of police shall 603
designate the place of storage of any motor vehicle so ordered 604
removed. 605

The sheriff or chief of police immediately shall cause a 606

search to be made of the records of the bureau of motor vehicles 607
to ascertain the owner and any lienholder of a motor vehicle 608
ordered into storage by the sheriff or chief of police, or by a 609
state highway patrol trooper, and, if known, shall send or cause 610
to be sent notice to the owner or lienholder at the owner's or 611
lienholder's last known address by certified mail with return 612
receipt requested, that the motor vehicle will be declared a 613
nuisance and disposed of if not claimed within ten days of the 614
date of mailing of the notice. The owner or lienholder of the 615
motor vehicle may reclaim it upon payment of any expenses or 616
charges incurred in its removal and storage, and presentation of 617
proof of ownership, which may be evidenced by a certificate of 618
title or memorandum certificate of title to the motor vehicle. If 619
the owner or lienholder of the motor vehicle reclaims it after a 620
search of the records of the bureau has been conducted and after 621
notice has been sent to the owner or lienholder as described in 622
this section, and the search was conducted by the owner of the 623
place of storage or the owner's employee, and the notice was sent 624
to the motor vehicle owner by the owner of the place of storage or 625
the owner's employee, the owner or lienholder shall pay to the 626
place of storage a processing fee of twenty-five dollars, in 627
addition to any expenses or charges incurred in the removal and 628
storage of the vehicle. 629

If the owner or lienholder makes no claim to the motor 630
vehicle within ten days of the date of mailing of the notice, and 631
if the vehicle is to be disposed of at public auction as provided 632
in section 4513.62 of the Revised Code, the sheriff or chief of 633
police, without charge to any party, shall file with the clerk of 634
courts of the county in which the place of storage is located an 635
affidavit showing compliance with the requirements of this 636
section. Upon presentation of the affidavit, the clerk, without 637
charge, shall issue a salvage certificate of title, free and clear 638
of all liens and encumbrances, to the sheriff or chief of police. 639

If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in section 4513.62 of the Revised Code, the sheriff or chief of police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief of police shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.

Sec. 5513.01. (A) All purchases of machinery, materials, supplies, or other articles that the director of transportation makes shall be in the manner provided in this section. In all cases except those in which the director provides written authorization for purchases by district deputy directors of transportation, all such purchases shall be made at the central office of the department of transportation in Columbus. Before making any purchase at that office, the director, as provided in this section, shall give notice to bidders of the director's intention to purchase. Where the expenditure does not exceed the amount applicable to the purchase of supplies specified in

division (B) of section 125.05 of the Revised Code, as adjusted 672
pursuant to division (D) of that section, the director shall give 673
such notice as the director considers proper, or the director may 674
make the purchase without notice. Where the expenditure exceeds 675
the amount applicable to the purchase of supplies specified in 676
division (B) of section 125.05 of the Revised Code, as adjusted 677
pursuant to division (D) of that section, the director shall give 678
notice by posting for not less than ten days a written, typed, or 679
printed invitation to bidders on a bulletin board, which shall be 680
located in a place in the offices assigned to the department and 681
open to the public during business hours. Producers or 682
distributors of any product may notify the director, in writing, 683
of the class of articles for the furnishing of which they desire 684
to bid and their post-office addresses, in which case copies of 685
all invitations to bidders relating to the purchase of such 686
articles shall be mailed to such persons by the director by 687
regular first class mail at least ten days prior to the time fixed 688
for taking bids. The director also may mail copies of all 689
invitations to bidders to news agencies or other agencies or 690
organizations distributing information of this character. Requests 691
for invitations shall not be valid nor require action by the 692
director unless renewed, either annually or after such shorter 693
period as the director may prescribe by a general rule. The 694
invitation to bidders shall contain a brief statement of the 695
general character of the article that it is intended to purchase, 696
the approximate quantity desired, and a statement of the time and 697
place where bids will be received, and may relate to and describe 698
as many different articles as the director thinks proper, it being 699
the intent and purpose of this section to authorize the inclusion 700
in a single invitation of as many different articles as the 701
director desires to invite bids upon at any given time. 702
Invitations issued during each calendar year shall be given 703
consecutive numbers, and the number assigned to each invitation 704

shall appear on all copies thereof. In all cases where notice is 705
required by this section, sealed bids shall be taken, on forms 706
prescribed and furnished by the director, and modification of bids 707
after they have been opened shall not be permitted. 708

(B) The director may permit the Ohio turnpike commission, any 709
political subdivision, and any state university or college to 710
participate in contracts into which the director has entered for 711
the purchase of machinery, materials, supplies, or other articles. 712
The turnpike commission and any political subdivision or state 713
university or college desiring to participate in such purchase 714
contracts shall file with the director a certified copy of the 715
bylaws or rules of the turnpike commission or the ordinance or 716
resolution of the legislative authority, board of trustees, or 717
other governing board requesting authorization to participate in 718
such contracts and agreeing to be bound by such terms and 719
conditions as the director prescribes. Purchases made by the 720
turnpike commission, political subdivisions, or state universities 721
or colleges under this division are exempt from any competitive 722
bidding required by law for the purchase of machinery, materials, 723
supplies, or other articles. 724

(C) As used in this section: 725

(1) "Political subdivision" means any county, township, 726
municipal corporation, conservancy district, township park 727
district, park district created under Chapter 1545. of the Revised 728
Code, port authority, regional transit authority, regional airport 729
authority, regional water and sewer district, ~~or~~ county transit 730
board, or school district as defined in section 5513.04 of the 731
Revised Code. 732

(2) "State university or college" has the same meaning as in 733
division (A)(1) of section 3345.32 of the Revised Code. 734

(3) "Ohio turnpike commission" means the commission created 735

by section 5537.02 of the Revised Code. 736

Sec. 5577.043. (A) Notwithstanding the vehicle weight 737
provisions otherwise prescribed in this chapter, in any county 738
having a population of more than one hundred twenty-one thousand 739
but less than one hundred twenty-two thousand based on the federal 740
decennial census for calendar year 2000 the maximum overall gross 741
weight of a vehicle and load shall not exceed one hundred twenty 742
thousand pounds if the vehicle is being operated as follows: 743

(1) To or from an intermodal transportation facility 744
transferring freight between railroads and motor vehicles, for a 745
total trip distance of less than one mile; 746

(2) Over roads that are sufficient to bear the weight and 747
that are not part of the state highway system, except that the 748
vehicle may cross not more than one state highway in a single 749
trip. 750

(B) The road and bridge classifications made by a board of 751
county commissioners under section 5577.08 of the Revised Code 752
shall determine whether a road is sufficient to bear the weight 753
prescribed by division (A) of this section. 754

Section 2. That existing sections 4511.21, 4513.61, and 755
5513.01 of the Revised Code are hereby repealed. 756

Section 3. That Section 509.10 of Am. Sub. H.B. 1 of the 757
128th General Assembly be amended to read as follows: 758

Sec. 509.10. (A) There is hereby created the Budget Planning 759
and Management Commission, consisting of six members. The Speaker 760
of the House of Representatives shall appoint three members of the 761
House of Representatives, not more than two of whom shall be 762
members of the same political party, and the President of the 763

Senate shall appoint three members of the Senate, not more than 764
two of whom shall be members of the same political party. The 765
initial appointments shall be made not later than ninety days 766
after the effective date of this section. Vacancies shall be 767
filled in the manner provided for original appointments. 768

(B) The commission shall complete a study and make 769
recommendations that are designed to provide relief to the state 770
during the current difficult fiscal and economic period. In 771
developing the recommendations, the commission shall develop a 772
strategy for balancing the state budget for fiscal years 2012 and 773
2013. 774

(C) The commission shall appoint two of its members to serve 775
as co-chairpersons for the commission. One co-chairperson shall be 776
a member of the majority party of the House of Representatives, 777
and one co-chairperson shall be a member of the majority party of 778
the Senate. Commission meetings shall take place at the call of 779
the co-chairpersons of the commission. The commission shall 780
conduct meetings during the period of July 1, 2009, through 781
November 30, 2010, and shall meet at least six times during the 782
period of July 1, 2010, through November 30, 2010. 783

(D) Not later than November 30, 2010, the commission shall 784
submit a written report of its recommendations to the Speaker of 785
the House of Representatives, the President of the Senate, and the 786
Governor. The commission ceases to exist upon submission of its 787
report. 788

(E) The Legislative Service Commission shall provide 789
technical, professional, and clerical support necessary for the 790
Budget Planning and Management Commission to perform its duties. 791

Section 4. That existing Section 509.10 of Am. Sub. H.B. 1 of 792
the 128th General Assembly is hereby repealed. 793

Section 5. This act is hereby declared to be an emergency 794
measure necessary for the immediate preservation of the public 795
peace, health, and safety. The reason for such necessity is to 796
establish recommendations for providing relief to the state during 797
a difficult fiscal and economic period and to develop a strategy 798
for fulfilling the constitutional mandate of balancing the state 799
budget. Therefore, this act shall go into immediate effect. 800