

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 233

Representatives Letson, Huffman

**Cosponsors: Representatives Beck, Young, Thompson, Stinziano, O'Brien,
Fende**

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A BILL

To amend sections 4511.76 and 4511.761 and to enact 1
section 3327.20 of the Revised Code to authorize 2
school districts to sell commercial advertising 3
space on school buses. 4

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

Section 1. That sections 4511.76 and 4511.761 be amended and 5
section 3327.20 of the Revised Code be enacted to read as follows: 6

Sec. 3327.20. The board of education of any school district 7
that owns and operates a school bus, or that privately contracts 8
for the operation of a board-owned school bus, may adopt a 9
resolution establishing procedures for soliciting bids and 10
awarding contracts for the sale of commercial advertising space on 11
the outside surface of either side of the bus. Advertisements 12
displayed on a school bus under this section shall be in the form 13
of a sign attached to the surface of the bus. No advertisement 14
shall be painted on the surface of the bus. 15

The board's procedures adopted under this section shall do at 16
least all of the following: 17

(A) Limit the sale of advertising space only to for-profit 18

entities; 19

(B) Prohibit the sale of advertising space for alcohol, 20
tobacco, gambling, or anything of a sexual nature or for the 21
support or opposition of a candidate for public office, a public 22
office or public official, or the passage of a levy, bond issue, 23
or other election issue; 24

(C) Provide for the establishment of a district committee 25
made up of district administrators and attorneys to approve all 26
school bus advertisements sold by the district. 27

If the board leases a school bus that it operates, or 28
contracts for student transportation services on a privately owned 29
school bus, the board may negotiate a provision of the lease or 30
contract under which the board may sell commercial advertising 31
space on either side of the bus in accordance with this section. 32

If a school district board donates the use of advertising 33
space on the side of a school bus or if the board itself uses that 34
space for advertising, that use shall not be for any of the same 35
purposes for which sale to a for-profit entity is prohibited under 36
division (B) of this section. 37

Sec. 4511.76. (A) The department of public safety, by and 38
with the advice of the superintendent of public instruction, shall 39
adopt and enforce rules relating to the construction, design, and 40
equipment, including lighting equipment required by section 41
4511.771 of the Revised Code, of all school buses both publicly 42
and privately owned and operated in this state. 43

(B) The department of education, by and with the advice of 44
the director of public safety, shall adopt and enforce rules 45
relating to the operation of all vehicles used for pupil 46
transportation. 47

No regulation adopted under division (A) or (B) of this 48

section shall restrict the ability of a board of education to 49
display commercial advertising on the outside surface of either 50
side of a school bus pursuant to section 3327.20 of the Revised 51
Code. 52

(C) No person shall operate a vehicle used for pupil 53
transportation within this state in violation of the rules of the 54
department of education or the department of public safety. No 55
person, being the owner thereof or having the supervisory 56
responsibility therefor, shall permit the operation of a vehicle 57
used for pupil transportation within this state in violation of 58
the rules of the department of education or the department of 59
public safety. 60

(D) The department of public safety shall adopt and enforce 61
rules relating to the issuance of a license under section 4511.763 62
of the Revised Code. The rules may relate to the moral character 63
of the applicant; the condition of the equipment to be operated; 64
the liability and property damage insurance carried by the 65
applicant; the posting of satisfactory and sufficient bond; and 66
such other rules as the director of public safety determines 67
reasonably necessary for the safety of the pupils to be 68
transported. 69

(E) As used in this section, "vehicle used for pupil 70
transportation" means any vehicle that is identified as such by 71
the department of education by rule and that is subject to Chapter 72
3301-83 of the Administrative Code. 73

(F) Except as otherwise provided in this division, whoever 74
violates this section is guilty of a minor misdemeanor. If the 75
offender previously has been convicted of or pleaded guilty to one 76
or more violations of this section or section 4511.63, 4511.761, 77
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 78
municipal ordinance that is substantially similar to any of those 79
sections, whoever violates this section is guilty of a misdemeanor 80

of the fourth degree. 81

Sec. 4511.761. (A) The state highway patrol shall inspect 82
every school bus to ascertain whether its construction, design, 83
and equipment comply with the regulations adopted pursuant to 84
section 4511.76 of the Revised Code and all other provisions of 85
law. No school bus shall fail an inspection under this section 86
solely because advertising is displayed on the outside surface of 87
either side of the bus in accordance with section 3327.20 of the 88
Revised Code. 89

The superintendent of the state highway patrol shall adopt a 90
distinctive inspection decal not less than twelve inches in size, 91
and bearing the date of the inspection, which shall be affixed to 92
the outside surface of each side of each school bus which upon 93
such inspection is found to comply with the regulations adopted 94
pursuant to section 4511.76 of the Revised Code. The appearance of 95
said decal shall be changed from year to year as to shape and 96
color in order to provide easy visual inspection. 97

No person shall operate, nor shall any person being the owner 98
thereof or having supervisory responsibility therefor permit the 99
operation of, a school bus within this state unless there are 100
displayed thereon the decals issued by the state highway patrol 101
bearing the proper date of inspection for the calendar year for 102
which the inspection decals were issued. 103

(B) Except as otherwise provided in this division, whoever 104
violates this section is guilty of a minor misdemeanor. If the 105
offender previously has been convicted of or pleaded guilty to one 106
or more violations of this section or section 4511.63, 4511.76, 107
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a 108
municipal ordinance that is substantially similar to any of those 109
sections, whoever violates this section is guilty of a misdemeanor 110
of the fourth degree. 111

(C) Whenever a person is found guilty in a court of record of 112
a violation of this section, the trial judge, in addition to or 113
independent of all other penalties provided by law, may suspend 114
for any period of time not exceeding three years, or cancel the 115
license of any person, partnership, association, or corporation, 116
issued under section 4511.763 of the Revised Code. 117

Section 2. That existing sections 4511.76 and 4511.761 of the 118
Revised Code are hereby repealed. 119