

**As Introduced**

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

**H. B. No. 395**

**Representative Maag**

**Cosponsors: Representatives Brenner, Terhar, Adams, J., Goodwin,  
Wachtmann, Blair, Yuko**

—

**A B I L L**

To amend sections 4511.21 and 4511.35 of the Revised 1  
Code to increase the speed limit on interstate 2  
freeways from 65 to 70 miles per hour for all 3  
vehicles and to limit the use of the left-hand 4  
lane of interstate freeways. 5

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

**Section 1.** That sections 4511.21 and 4511.35 of the Revised 6  
Code be amended to read as follows: 7

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, 8  
trackless trolley, or streetcar at a speed greater or less than is 9  
reasonable or proper, having due regard to the traffic, surface, 10  
and width of the street or highway and any other conditions, and 11  
no person shall drive any motor vehicle, trackless trolley, or 12  
streetcar in and upon any street or highway at a greater speed 13  
than will permit the person to bring it to a stop within the 14  
assured clear distance ahead. 15

(B) It is prima-facie lawful, in the absence of a lower limit 16  
declared or established pursuant to this section by the director 17  
of transportation or local authorities, for the operator of a 18

motor vehicle, trackless trolley, or streetcar to operate the same 19  
at a speed not exceeding the following: 20

(1)(a) Twenty miles per hour in school zones during school 21  
recess and while children are going to or leaving school during 22  
the opening or closing hours, and when twenty miles per hour 23  
school speed limit signs are erected; except that, on 24  
controlled-access highways and expressways, if the right-of-way 25  
line fence has been erected without pedestrian opening, the speed 26  
shall be governed by division (B)(4) of this section and on 27  
freeways, if the right-of-way line fence has been erected without 28  
pedestrian opening, the speed shall be governed by divisions 29  
(B)(9) and (10) of this section. The end of every school zone may 30  
be marked by a sign indicating the end of the zone. Nothing in 31  
this section or in the manual and specifications for a uniform 32  
system of traffic control devices shall be construed to require 33  
school zones to be indicated by signs equipped with flashing or 34  
other lights, or giving other special notice of the hours in which 35  
the school zone speed limit is in effect. 36

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

engineer shall create a school zone at that location by erecting 51  
the appropriate signs. 52

(c) As used in this section, "school zone" means that portion 53  
of a street or highway passing a school fronting upon the street 54  
or highway that is encompassed by projecting the school property 55  
lines to the fronting street or highway, and also includes that 56  
portion of a state highway. Upon request from local authorities 57  
for streets and highways under their jurisdiction and that portion 58  
of a state highway under the jurisdiction of the director of 59  
transportation or a request from a county engineer in the case of 60  
a school zone for a special elementary school, the director may 61  
extend the traditional school zone boundaries. The distances in 62  
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 63  
exceed three hundred feet per approach per direction and are 64  
bounded by whichever of the following distances or combinations 65  
thereof the director approves as most appropriate: 66

(i) The distance encompassed by projecting the school 67  
building lines normal to the fronting highway and extending a 68  
distance of three hundred feet on each approach direction; 69

(ii) The distance encompassed by projecting the school 70  
property lines intersecting the fronting highway and extending a 71  
distance of three hundred feet on each approach direction; 72

(iii) The distance encompassed by the special marking of the 73  
pavement for a principal school pupil crosswalk plus a distance of 74  
three hundred feet on each approach direction of the highway. 75

Nothing in this section shall be construed to invalidate the 76  
director's initial action on August 9, 1976, establishing all 77  
school zones at the traditional school zone boundaries defined by 78  
projecting school property lines, except when those boundaries are 79  
extended as provided in divisions (B)(1)(a) and (c) of this 80  
section. 81

(d) As used in this division, "crosswalk" has the meaning 82  
given that term in division (LL)(2) of section 4511.01 of the 83  
Revised Code. 84

The director may, upon request by resolution of the 85  
legislative authority of a municipal corporation, the board of 86  
trustees of a township, or a county board of developmental 87  
disabilities created pursuant to Chapter 5126. of the Revised 88  
Code, and upon submission by the municipal corporation, township, 89  
or county board of such engineering, traffic, and other 90  
information as the director considers necessary, designate a 91  
school zone on any portion of a state route lying within the 92  
municipal corporation, lying within the unincorporated territory 93  
of the township, or lying adjacent to the property of a school 94  
that is operated by such county board, that includes a crosswalk 95  
customarily used by children going to or leaving a school during 96  
recess and opening and closing hours, whenever the distance, as 97  
measured in a straight line, from the school property line nearest 98  
the crosswalk to the nearest point of the crosswalk is no more 99  
than one thousand three hundred twenty feet. Such a school zone 100  
shall include the distance encompassed by the crosswalk and 101  
extending three hundred feet on each approach direction of the 102  
state route. 103

(e) As used in this section, "special elementary school" 104  
means a school that meets all of the following criteria: 105

(i) It is not chartered and does not receive tax revenue from 106  
any source. 107

(ii) It does not educate children beyond the eighth grade. 108

(iii) It is located outside the limits of a municipal 109  
corporation. 110

(iv) A majority of the total number of students enrolled at 111  
the school are not related by blood. 112

- (v) The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.
- (2) Twenty-five miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;
- (3) Thirty-five miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in divisions (B)(4) and (6) of this section;
- (4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations;
- (5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section and freeways as provided in divisions (B)(13) and (14) of this section;
- (6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- (7) Fifteen miles per hour on all alleys within the municipal corporation;
- (8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;
- (9) Fifty-five miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(13) and (14) of this section;
- (10) Fifty-five miles per hour at all times on freeways

outside municipal corporations, other than freeways as provided in 143  
divisions (B)(13) and (14) of this section; 144

(11) Fifty-five miles per hour at all times ~~on all portions~~ 145  
~~of freeways that are part of the interstate system and~~ 146  
portions of freeways that are not part of the interstate system, 147  
but are built to the standards and specifications that are 148  
applicable to freeways that are part of the interstate system for 149  
operators of any motor vehicle weighing in excess of eight 150  
thousand pounds empty weight and any noncommercial bus, ~~except as~~ 151  
~~provided in division (B)(14) of this section;~~ 152

(12) Fifty-five miles per hour for operators of any motor 153  
vehicle weighing eight thousand pounds or less empty weight and 154  
any commercial bus at all times on all portions of ~~freeways that~~ 155  
~~are part of the interstate system and that had such a speed limit~~ 156  
~~established prior to October 1, 1995, and~~ freeways that are not 157  
part of the interstate system, but are built to the standards and 158  
specifications that are applicable to freeways that are part of 159  
the interstate system and that had such a speed limit established 160  
prior to October 1, 1995, unless a higher speed limit is 161  
established under division (L) of this section; 162

(13) Sixty-five miles per hour for operators of any motor 163  
vehicle weighing eight thousand pounds or less empty weight and 164  
any commercial bus at all times on all portions of the following: 165

(a) ~~Freeways that are part of the interstate system and that~~ 166  
~~had such a speed limit established prior to October 1, 1995, and~~ 167  
~~freeways~~ that are not part of the interstate system, but are built 168  
to the standards and specifications that are applicable to 169  
freeways that are part of the interstate system and that had such 170  
a speed limit established prior to October 1, 1995; 171

(b) ~~Freeways that are part of the interstate system and~~ 172  
~~freeways~~ that are not part of the interstate system but are built 173

to the standards and specifications that are applicable to 174  
freeways that are part of the interstate system, and that had such 175  
a speed limit established under division (L) of this section; 176

(c) Rural, divided, multi-lane highways that are designated 177  
as part of the national highway system under the "National Highway 178  
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 179  
and that had such a speed limit established under division (M) of 180  
this section. 181

(14) ~~Sixty-five~~ Seventy miles per hour at all times on all 182  
portions of freeways that are part of the interstate system ~~and~~ 183  
~~that had such a speed limit on the effective date of this~~ 184  
~~amendment for operators of any motor vehicle weighing in excess of~~ 185  
~~eight thousand pounds empty weight and any noncommercial bus.~~ 186

(C) It is prima-facie unlawful for any person to exceed any 187  
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 188  
(6), (7), and (8) of this section, or any declared or established 189  
pursuant to this section by the director or local authorities and 190  
it is unlawful for any person to exceed any of the speed 191  
limitations in division (D) of this section. No person shall be 192  
convicted of more than one violation of this section for the same 193  
conduct, although violations of more than one provision of this 194  
section may be charged in the alternative in a single affidavit. 195

(D) No person shall operate a motor vehicle, trackless 196  
trolley, or streetcar upon a street or highway as follows: 197

(1) At a speed exceeding fifty-five miles per hour, except 198  
upon a freeway as provided in divisions (B)(13) and (14) of this 199  
section; 200

(2) At a speed exceeding sixty-five miles per hour upon a 201  
freeway as provided in ~~divisions~~ division (B)(13) ~~and (14)~~ of this 202  
section, except upon a freeway as provided in division (B)(14) of 203  
this section; 204

(3) If a motor vehicle weighing in excess of eight thousand 205  
pounds empty weight or a noncommercial bus as prescribed in 206  
division (B)(11) of this section, at a speed exceeding fifty-five 207  
miles per hour, except upon a freeway as provided in ~~that~~ division 208  
(B)(14) of this section; 209

(4) At a speed exceeding the posted speed limit upon a 210  
freeway for which the director has determined and declared a speed 211  
limit of not more than sixty-five miles per hour pursuant to 212  
division (L)(2) or (M) of this section; 213

(5) At a speed exceeding sixty-five miles per hour upon a 214  
freeway for which such a speed limit has been established through 215  
the operation of division (L)(3) of this section; 216

(6) At a speed exceeding the posted speed limit upon a 217  
freeway for which the director has determined and declared a speed 218  
limit pursuant to division (I)(2) of this section; 219

(7) At a speed exceeding seventy miles per hour upon a 220  
freeway as provided in division (B)(14) of this section. 221

(E) In every charge of violation of this section the 222  
affidavit and warrant shall specify the time, place, and speed at 223  
which the defendant is alleged to have driven, and in charges made 224  
in reliance upon division (C) of this section also the speed which 225  
division (B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit 226  
declared or established pursuant to, this section declares is 227  
prima-facie lawful at the time and place of such alleged 228  
violation, except that in affidavits where a person is alleged to 229  
have driven at a greater speed than will permit the person to 230  
bring the vehicle to a stop within the assured clear distance 231  
ahead the affidavit and warrant need not specify the speed at 232  
which the defendant is alleged to have driven. 233

(F) When a speed in excess of both a prima-facie limitation 234  
and a limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ of 235



this section is alleged, the defendant shall be charged in a 236  
single affidavit, alleging a single act, with a violation 237  
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 238  
(8) of this section, or of a limit declared or established 239  
pursuant to this section by the director or local authorities, and 240  
of the limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ 241  
of this section. If the court finds a violation of division 242  
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 243  
or established pursuant to, this section has occurred, it shall 244  
enter a judgment of conviction under such division and dismiss the 245  
charge under division (D)~~(1), (2), (3), (4), (5), or (6)~~ of this 246  
section. If it finds no violation of division (B)(1)(a), (2), (3), 247  
(4), (6), (7), or (8) of, or a limit declared or established 248  
pursuant to, this section, it shall then consider whether the 249  
evidence supports a conviction under division (D)~~(1), (2), (3),~~ 250  
~~(4), (5), or (6)~~ of this section. 251

(G) Points shall be assessed for violation of a limitation 252  
under division (D) of this section in accordance with section 253  
4510.036 of the Revised Code. 254

(H) Whenever the director determines upon the basis of a 255  
geometric and traffic characteristic study that any speed limit 256  
set forth in divisions (B)(1)(a) to (D) of this section is greater 257  
or less than is reasonable or safe under the conditions found to 258  
exist at any portion of a street or highway under the jurisdiction 259  
of the director, the director shall determine and declare a 260  
reasonable and safe prima-facie speed limit, which shall be 261  
effective when appropriate signs giving notice of it are erected 262  
at the location. 263

(I)(1) Except as provided in divisions (I)(2) and (K) of this 264  
section, whenever local authorities determine upon the basis of an 265  
engineering and traffic investigation that the speed permitted by 266  
divisions (B)(1)(a) to (D) of this section, on any part of a 267

highway under their jurisdiction, is greater than is reasonable 268  
and safe under the conditions found to exist at such location, the 269  
local authorities may by resolution request the director to 270  
determine and declare a reasonable and safe prima-facie speed 271  
limit. Upon receipt of such request the director may determine and 272  
declare a reasonable and safe prima-facie speed limit at such 273  
location, and if the director does so, then such declared speed 274  
limit shall become effective only when appropriate signs giving 275  
notice thereof are erected at such location by the local 276  
authorities. The director may withdraw the declaration of a 277  
prima-facie speed limit whenever in the director's opinion the 278  
altered prima-facie speed becomes unreasonable. Upon such 279  
withdrawal, the declared prima-facie speed shall become 280  
ineffective and the signs relating thereto shall be immediately 281  
removed by the local authorities. 282

(2) A local authority may determine on the basis of a 283  
geometric and traffic characteristic study that the speed limit of 284  
sixty-five miles per hour on a portion of a freeway under its 285  
jurisdiction that was established through the operation of 286  
division (L)(3) of this section is greater than is reasonable or 287  
safe under the conditions found to exist at that portion of the 288  
freeway. If the local authority makes such a determination, the 289  
local authority by resolution may request the director to 290  
determine and declare a reasonable and safe speed limit of not 291  
less than fifty-five miles per hour for that portion of the 292  
freeway. If the director takes such action, the declared speed 293  
limit becomes effective only when appropriate signs giving notice 294  
of it are erected at such location by the local authority. 295

(J) Local authorities in their respective jurisdictions may 296  
authorize by ordinance higher prima-facie speeds than those stated 297  
in this section upon through highways, or upon highways or 298  
portions thereof where there are no intersections, or between 299

widely spaced intersections, provided signs are erected giving 300  
notice of the authorized speed, but local authorities shall not 301  
modify or alter the basic rule set forth in division (A) of this 302  
section or in any event authorize by ordinance a speed in excess 303  
of fifty miles per hour. 304

Alteration of prima-facie limits on state routes by local 305  
authorities shall not be effective until the alteration has been 306  
approved by the director. The director may withdraw approval of 307  
any altered prima-facie speed limits whenever in the director's 308  
opinion any altered prima-facie speed becomes unreasonable, and 309  
upon such withdrawal, the altered prima-facie speed shall become 310  
ineffective and the signs relating thereto shall be immediately 311  
removed by the local authorities. 312

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 313  
section, "unimproved highway" means a highway consisting of any of 314  
the following: 315

- (a) Unimproved earth; 316
- (b) Unimproved graded and drained earth; 317
- (c) Gravel. 318

(2) Except as otherwise provided in divisions (K)(4) and (5) 319  
of this section, whenever a board of township trustees determines 320  
upon the basis of an engineering and traffic investigation that 321  
the speed permitted by division (B)(5) of this section on any part 322  
of an unimproved highway under its jurisdiction and in the 323  
unincorporated territory of the township is greater than is 324  
reasonable or safe under the conditions found to exist at the 325  
location, the board may by resolution declare a reasonable and 326  
safe prima-facie speed limit of fifty-five but not less than 327  
twenty-five miles per hour. An altered speed limit adopted by a 328  
board of township trustees under this division becomes effective 329  
when appropriate traffic control devices, as prescribed in section 330

4511.11 of the Revised Code, giving notice thereof are erected at 331  
the location, which shall be no sooner than sixty days after 332  
adoption of the resolution. 333

(3)(a) Whenever, in the opinion of a board of township 334  
trustees, any altered prima-facie speed limit established by the 335  
board under this division becomes unreasonable, the board may 336  
adopt a resolution withdrawing the altered prima-facie speed 337  
limit. Upon the adoption of such a resolution, the altered 338  
prima-facie speed limit becomes ineffective and the traffic 339  
control devices relating thereto shall be immediately removed. 340

(b) Whenever a highway ceases to be an unimproved highway and 341  
the board has adopted an altered prima-facie speed limit pursuant 342  
to division (K)(2) of this section, the board shall, by 343  
resolution, withdraw the altered prima-facie speed limit as soon 344  
as the highway ceases to be unimproved. Upon the adoption of such 345  
a resolution, the altered prima-facie speed limit becomes 346  
ineffective and the traffic control devices relating thereto shall 347  
be immediately removed. 348

(4)(a) If the boundary of two townships rests on the 349  
centerline of an unimproved highway in unincorporated territory 350  
and both townships have jurisdiction over the highway, neither of 351  
the boards of township trustees of such townships may declare an 352  
altered prima-facie speed limit pursuant to division (K)(2) of 353  
this section on the part of the highway under their joint 354  
jurisdiction unless the boards of township trustees of both of the 355  
townships determine, upon the basis of an engineering and traffic 356  
investigation, that the speed permitted by division (B)(5) of this 357  
section is greater than is reasonable or safe under the conditions 358  
found to exist at the location and both boards agree upon a 359  
reasonable and safe prima-facie speed limit of less than 360  
fifty-five but not less than twenty-five miles per hour for that 361  
location. If both boards so agree, each shall follow the procedure 362

specified in division (K)(2) of this section for altering the 363  
prima-facie speed limit on the highway. Except as otherwise 364  
provided in division (K)(4)(b) of this section, no speed limit 365  
altered pursuant to division (K)(4)(a) of this section may be 366  
withdrawn unless the boards of township trustees of both townships 367  
determine that the altered prima-facie speed limit previously 368  
adopted becomes unreasonable and each board adopts a resolution 369  
withdrawing the altered prima-facie speed limit pursuant to the 370  
procedure specified in division (K)(3)(a) of this section. 371

(b) Whenever a highway described in division (K)(4)(a) of 372  
this section ceases to be an unimproved highway and two boards of 373  
township trustees have adopted an altered prima-facie speed limit 374  
pursuant to division (K)(4)(a) of this section, both boards shall, 375  
by resolution, withdraw the altered prima-facie speed limit as 376  
soon as the highway ceases to be unimproved. Upon the adoption of 377  
the resolution, the altered prima-facie speed limit becomes 378  
ineffective and the traffic control devices relating thereto shall 379  
be immediately removed. 380

(5) As used in division (K)(5) of this section: 381

(a) "Commercial subdivision" means any platted territory 382  
outside the limits of a municipal corporation and fronting a 383  
highway where, for a distance of three hundred feet or more, the 384  
frontage is improved with buildings in use for commercial 385  
purposes, or where the entire length of the highway is less than 386  
three hundred feet long and the frontage is improved with 387  
buildings in use for commercial purposes. 388

(b) "Residential subdivision" means any platted territory 389  
outside the limits of a municipal corporation and fronting a 390  
highway, where, for a distance of three hundred feet or more, the 391  
frontage is improved with residences or residences and buildings 392  
in use for business, or where the entire length of the highway is 393  
less than three hundred feet long and the frontage is improved 394

with residences or residences and buildings in use for business. 395

Whenever a board of township trustees finds upon the basis of 396  
an engineering and traffic investigation that the prima-facie 397  
speed permitted by division (B)(5) of this section on any part of 398  
a highway under its jurisdiction that is located in a commercial 399  
or residential subdivision, except on highways or portions thereof 400  
at the entrances to which vehicular traffic from the majority of 401  
intersecting highways is required to yield the right-of-way to 402  
vehicles on such highways in obedience to stop or yield signs or 403  
traffic control signals, is greater than is reasonable and safe 404  
under the conditions found to exist at the location, the board may 405  
by resolution declare a reasonable and safe prima-facie speed 406  
limit of less than fifty-five but not less than twenty-five miles 407  
per hour at the location. An altered speed limit adopted by a 408  
board of township trustees under this division shall become 409  
effective when appropriate signs giving notice thereof are erected 410  
at the location by the township. Whenever, in the opinion of a 411  
board of township trustees, any altered prima-facie speed limit 412  
established by it under this division becomes unreasonable, it may 413  
adopt a resolution withdrawing the altered prima-facie speed, and 414  
upon such withdrawal, the altered prima-facie speed shall become 415  
ineffective, and the signs relating thereto shall be immediately 416  
removed by the township. 417

(L)(1) Within one hundred twenty days of February 29, 1996, 418  
the director of transportation, based upon a geometric and traffic 419  
characteristic study of a freeway that is part of the interstate 420  
system or that is not part of the interstate system, but is built 421  
to the standards and specifications that are applicable to 422  
freeways that are part of the interstate system, in consultation 423  
with the director of public safety and, if applicable, the local 424  
authority having jurisdiction over a portion of such freeway, may 425  
determine and declare that the speed limit of less than sixty-five 426

miles per hour established on such freeway or portion of freeway 427  
either is reasonable and safe or is less than that which is 428  
reasonable and safe. 429

(2) If the established speed limit for such a freeway or 430  
portion of freeway is determined to be less than that which is 431  
reasonable and safe, the director of transportation, in 432  
consultation with the director of public safety and, if 433  
applicable, the local authority having jurisdiction over the 434  
portion of freeway, shall determine and declare a reasonable and 435  
safe speed limit of not more than sixty-five miles per hour for 436  
that freeway or portion of freeway. 437

The director of transportation or local authority having 438  
jurisdiction over the freeway or portion of freeway shall erect 439  
appropriate signs giving notice of the speed limit at such 440  
location within one hundred fifty days of February 29, 1996. Such 441  
speed limit becomes effective only when such signs are erected at 442  
the location. 443

(3) If, within one hundred twenty days of February 29, 1996, 444  
the director of transportation does not make a determination and 445  
declaration of a reasonable and safe speed limit for a freeway or 446  
portion of freeway that is part of the interstate system or that 447  
is not part of the interstate system, but is built to the 448  
standards and specifications that are applicable to freeways that 449  
are part of the interstate system and that has a speed limit of 450  
less than sixty-five miles per hour, the speed limit on that 451  
freeway or portion of a freeway shall be sixty-five miles per 452  
hour. The director of transportation or local authority having 453  
jurisdiction over the freeway or portion of the freeway shall 454  
erect appropriate signs giving notice of the speed limit of 455  
sixty-five miles per hour at such location within one hundred 456  
fifty days of February 29, 1996. Such speed limit becomes 457  
effective only when such signs are erected at the location. A 458

speed limit established through the operation of division (L)(3) 459  
of this section is subject to reduction under division (I)(2) of 460  
this section. 461

(M) Within three hundred sixty days after February 29, 1996, 462  
the director of transportation, based upon a geometric and traffic 463  
characteristic study of a rural, divided, multi-lane highway that 464  
has been designated as part of the national highway system under 465  
the "National Highway System Designation Act of 1995," 109 Stat. 466  
568, 23 U.S.C.A. 103, in consultation with the director of public 467  
safety and, if applicable, the local authority having jurisdiction 468  
over a portion of the highway, may determine and declare that the 469  
speed limit of less than sixty-five miles per hour established on 470  
the highway or portion of highway either is reasonable and safe or 471  
is less than that which is reasonable and safe. 472

If the established speed limit for the highway or portion of 473  
highway is determined to be less than that which is reasonable and 474  
safe, the director of transportation, in consultation with the 475  
director of public safety and, if applicable, the local authority 476  
having jurisdiction over the portion of highway, shall determine 477  
and declare a reasonable and safe speed limit of not more than 478  
sixty-five miles per hour for that highway or portion of highway. 479  
The director of transportation or local authority having 480  
jurisdiction over the highway or portion of highway shall erect 481  
appropriate signs giving notice of the speed limit at such 482  
location within three hundred ninety days after February 29, 1996. 483  
The speed limit becomes effective only when such signs are erected 484  
at the location. 485

(N)(1)(a) If the boundary of two local authorities rests on 486  
the centerline of a highway and both authorities have jurisdiction 487  
over the highway, the speed limit for the part of the highway 488  
within their joint jurisdiction shall be either one of the 489  
following as agreed to by both authorities: 490



(i) Either prima-facie speed limit permitted by division (B) of this section;	491 492
(ii) An altered speed limit determined and posted in accordance with this section.	493 494
(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.	495 496 497
(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.	498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515
(0) As used in this section:	516
(1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.	517 518
(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.	519 520 521

(3) "Noncommercial bus" includes but is not limited to a 522  
school bus or a motor vehicle operated solely for the 523  
transportation of persons associated with a charitable or 524  
nonprofit organization. 525

(P)(1) A violation of any provision of this section is one of 526  
the following: 527

(a) Except as otherwise provided in divisions (P)(1)(b), 528  
(1)(c), (2), and (3) of this section, a minor misdemeanor; 529

(b) If, within one year of the offense, the offender 530  
previously has been convicted of or pleaded guilty to two 531  
violations of any provision of this section or of any provision of 532  
a municipal ordinance that is substantially similar to any 533  
provision of this section, a misdemeanor of the fourth degree; 534

(c) If, within one year of the offense, the offender 535  
previously has been convicted of or pleaded guilty to three or 536  
more violations of any provision of this section or of any 537  
provision of a municipal ordinance that is substantially similar 538  
to any provision of this section, a misdemeanor of the third 539  
degree. 540

(2) If the offender has not previously been convicted of or 541  
pleaded guilty to a violation of any provision of this section or 542  
of any provision of a municipal ordinance that is substantially 543  
similar to this section and operated a motor vehicle faster than 544  
thirty-five miles an hour in a business district of a municipal 545  
corporation, faster than fifty miles an hour in other portions of 546  
a municipal corporation, or faster than thirty-five miles an hour 547  
in a school zone during recess or while children are going to or 548  
leaving school during the school's opening or closing hours, a 549  
misdemeanor of the fourth degree. 550

(3) Notwithstanding division (P)(1) of this section, if the 551  
offender operated a motor vehicle in a construction zone where a 552

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

**Sec. 4511.35.** (A) Whenever any highway has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening, crossover, or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier, or section for the purpose of an emergency stop or in compliance with an order of a police officer.

(B)(1) No vehicle shall be driven in the left-hand lane of the right-hand roadway of a freeway that is part of the interstate system except when exiting the freeway, overtaking and passing a slower vehicle, or allowing other vehicles to enter the right-hand lane of the right-hand roadway, or when traffic or road conditions exist that would make operation of the vehicle in the right-hand lane unsafe. The operator of a vehicle driven in the left-hand lane to overtake and pass a slower vehicle or to allow traffic to enter the right-hand lane shall return to the right-hand lane, or, if available, a center lane, as soon as traffic and road conditions make it safe to do so.

(2) As used in division (B)(1) of this section, "interstate system" has the same meaning as in 23 U.S.C.A. 101. 584  
585

(C) Except as otherwise provided in this division, whoever 586  
violates this section is guilty of a minor misdemeanor. If, within 587  
one year of the offense, the offender previously has been 588  
convicted of or pleaded guilty to one predicate motor vehicle or 589  
traffic offense, whoever violates this section is guilty of a 590  
misdemeanor of the fourth degree. If, within one year of the 591  
offense, the offender previously has been convicted of two or more 592  
predicate motor vehicle or traffic offenses, whoever violates this 593  
section is guilty of a misdemeanor of the third degree. 594

**Section 2.** That existing sections 4511.21 and 4511.35 of the 595  
Revised Code are hereby repealed. 596