

**As Introduced**

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

**S. B. No. 174**

**Senator Schiavoni**

**Cosponsors: Senators Seitz, Kearney**

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**A B I L L**

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, tobacco, gambling, or anything of a sexual nature or for the support or opposition of a candidate for public office, a public office or public official, or the passage of a levy, bond issue, or other election issue; 20  
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(C) Provide for the establishment of a district committee made up of district administrators and attorneys to approve all school bus advertisements sold by the district. 25  
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If the board leases a school bus that it operates, or contracts for student transportation services on a privately owned school bus, the board may negotiate a provision of the lease or contract under which the board may sell commercial advertising space on either side of the bus in accordance with this section. 28  
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If a school district board donates the use of advertising space on the side of a school bus or if the board itself uses that space for advertising, that use shall not be for any of the same purposes for which sale to a for-profit entity is prohibited under division (B) of this section. 33  
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**Sec. 4511.76.** (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state. 38  
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(B) The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation. 44  
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No regulation adopted under division (A) or (B) of this section shall restrict the ability of a board of education to 48  
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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