

As Introduced

**130th General Assembly
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H. B. No. 68

Representative Maag

**Cosponsors: Representatives Adams, J., Becker, Brenner, Buchy, Gonzales,
Hood, Johnson, Mallory, McGregor, Pillich, Ramos, Retherford, Stebelton,
Thompson**

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A B I L L

To amend section 4511.21 of the Revised Code to 1
increase the speed limit on interstate freeways 2
outside urbanized areas from 65 to 70 miles per 3
hour for all vehicles. 4

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

Section 1. That section 4511.21 of the Revised Code be 5
amended to read as follows: 6

Sec. 4511.21. (A) No person shall operate a motor vehicle, 7
trackless trolley, or streetcar at a speed greater or less than is 8
reasonable or proper, having due regard to the traffic, surface, 9
and width of the street or highway and any other conditions, and 10
no person shall drive any motor vehicle, trackless trolley, or 11
streetcar in and upon any street or highway at a greater speed 12
than will permit the person to bring it to a stop within the 13
assured clear distance ahead. 14

(B) It is prima-facie lawful, in the absence of a lower limit 15
declared or established pursuant to this section by the director 16
of transportation or local authorities, for the operator of a 17

motor vehicle, trackless trolley, or streetcar to operate the same 18
at a speed not exceeding the following: 19

(1)(a) Twenty miles per hour in school zones during school 20
recess and while children are going to or leaving school during 21
the opening or closing hours, and when twenty miles per hour 22
school speed limit signs are erected; except that, on 23
controlled-access highways and expressways, if the right-of-way 24
line fence has been erected without pedestrian opening, the speed 25
shall be governed by division (B)(4) of this section and on 26
freeways, if the right-of-way line fence has been erected without 27
pedestrian opening, the speed shall be governed by divisions 28
(B)(9) and (10) of this section. The end of every school zone may 29
be marked by a sign indicating the end of the zone. Nothing in 30
this section or in the manual and specifications for a uniform 31
system of traffic control devices shall be construed to require 32
school zones to be indicated by signs equipped with flashing or 33
other lights, or giving other special notice of the hours in which 34
the school zone speed limit is in effect. 35

(b) As used in this section and in section 4511.212 of the 36
Revised Code, "school" means any school chartered under section 37
3301.16 of the Revised Code and any nonchartered school that 38
during the preceding year filed with the department of education 39
in compliance with rule 3301-35-08 of the Ohio Administrative 40
Code, a copy of the school's report for the parents of the 41
school's pupils certifying that the school meets Ohio minimum 42
standards for nonchartered, nontax-supported schools and presents 43
evidence of this filing to the jurisdiction from which it is 44
requesting the establishment of a school zone. "School" also 45
includes a special elementary school that in writing requests the 46
county engineer of the county in which the special elementary 47
school is located to create a school zone at the location of that 48
school. Upon receipt of such a written request, the county 49

engineer shall create a school zone at that location by erecting 50
the appropriate signs. 51

(c) As used in this section, "school zone" means that portion 52
of a street or highway passing a school fronting upon the street 53
or highway that is encompassed by projecting the school property 54
lines to the fronting street or highway, and also includes that 55
portion of a state highway. Upon request from local authorities 56
for streets and highways under their jurisdiction and that portion 57
of a state highway under the jurisdiction of the director of 58
transportation or a request from a county engineer in the case of 59
a school zone for a special elementary school, the director may 60
extend the traditional school zone boundaries. The distances in 61
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 62
exceed three hundred feet per approach per direction and are 63
bounded by whichever of the following distances or combinations 64
thereof the director approves as most appropriate: 65

(i) The distance encompassed by projecting the school 66
building lines normal to the fronting highway and extending a 67
distance of three hundred feet on each approach direction; 68

(ii) The distance encompassed by projecting the school 69
property lines intersecting the fronting highway and extending a 70
distance of three hundred feet on each approach direction; 71

(iii) The distance encompassed by the special marking of the 72
pavement for a principal school pupil crosswalk plus a distance of 73
three hundred feet on each approach direction of the highway. 74

Nothing in this section shall be construed to invalidate the 75
director's initial action on August 9, 1976, establishing all 76
school zones at the traditional school zone boundaries defined by 77
projecting school property lines, except when those boundaries are 78
extended as provided in divisions (B)(1)(a) and (c) of this 79
section. 80

(d) As used in this division, "crosswalk" has the meaning 81
given that term in division (LL)(2) of section 4511.01 of the 82
Revised Code. 83

The director may, upon request by resolution of the 84
legislative authority of a municipal corporation, the board of 85
trustees of a township, or a county board of developmental 86
disabilities created pursuant to Chapter 5126. of the Revised 87
Code, and upon submission by the municipal corporation, township, 88
or county board of such engineering, traffic, and other 89
information as the director considers necessary, designate a 90
school zone on any portion of a state route lying within the 91
municipal corporation, lying within the unincorporated territory 92
of the township, or lying adjacent to the property of a school 93
that is operated by such county board, that includes a crosswalk 94
customarily used by children going to or leaving a school during 95
recess and opening and closing hours, whenever the distance, as 96
measured in a straight line, from the school property line nearest 97
the crosswalk to the nearest point of the crosswalk is no more 98
than one thousand three hundred twenty feet. Such a school zone 99
shall include the distance encompassed by the crosswalk and 100
extending three hundred feet on each approach direction of the 101
state route. 102

(e) As used in this section, "special elementary school" 103
means a school that meets all of the following criteria: 104

(i) It is not chartered and does not receive tax revenue from 105
any source. 106

(ii) It does not educate children beyond the eighth grade. 107

(iii) It is located outside the limits of a municipal 108
corporation. 109

(iv) A majority of the total number of students enrolled at 110
the school are not related by blood. 111

(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), and (15) 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), and (15) of this section;

(10) Fifty-five miles per hour at all times on freeways 142
outside municipal corporations, other than freeways as provided in 143
divisions (B)(13) ~~and~~, (14), and (15) 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 on all 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~~ divisions (B)(14) and (15) 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
except as provided in division (B)(15) of this section: 166

(a) Freeways that are part of the interstate system and that 167
had such a speed limit established prior to October 1, 1995, and 168
freeways that are not part of the interstate system, but are built 169
to the standards and specifications that are applicable to 170
freeways that are part of the interstate system and that had such 171
a speed limit established prior to October 1, 1995; 172

(b) Freeways that are part of the interstate system and 173
freeways that are not part of the interstate system but are built 174
to the standards and specifications that are applicable to 175
freeways that are part of the interstate system, and that had such 176
a speed limit established under division (L) of this section; 177

(c) Rural, divided, multi-lane highways that are designated 178
as part of the national highway system under the "National Highway 179
System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, 180
and that had such a speed limit established under division (M) of 181
this section. 182

(14) Sixty-five miles per hour at all times on all portions 183
of freeways that are part of the interstate system and that had 184
such a speed limit on ~~the effective date of this amendment~~ July 1, 185
2009, for operators of any motor vehicle weighing in excess of 186
eight thousand pounds empty weight and any noncommercial bus, 187
except as provided in division (B)(15) of this section. 188

(15) Seventy miles per hour for operators of any motor 189
vehicle at all times on all portions of freeways that are part of 190
the interstate system and are outside urbanized areas, as 191
designated in accordance with 23 U.S.C. 101. 192

(C) It is prima-facie unlawful for any person to exceed any 193
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 194
(6), (7), and (8) of this section, or any declared or established 195
pursuant to this section by the director or local authorities and 196
it is unlawful for any person to exceed any of the speed 197
limitations in division (D) of this section. No person shall be 198
convicted of more than one violation of this section for the same 199
conduct, although violations of more than one provision of this 200
section may be charged in the alternative in a single affidavit. 201

(D) No person shall operate a motor vehicle, trackless 202
trolley, or streetcar upon a street or highway as follows: 203

(1) At a speed exceeding fifty-five miles per hour, except upon a freeway as provided in divisions (B)(13) and , (14), <u>and (15)</u> of this section;	204 205 206
(2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in divisions (B)(13) and (14) of this section;	207 208
(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;	209 210 211 212
(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;	213 214 215 216
(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;	217 218 219
(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.	220 221 222
<u>(7) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B)(15) of this section.</u>	223 224
(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) 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	225 226 227 228 229 230 231 232 233 234

ahead the affidavit and warrant need not specify the speed at 235
which the defendant is alleged to have driven. 236

(F) When a speed in excess of both a prima-facie limitation 237
and a limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ of 238
this section is alleged, the defendant shall be charged in a 239
single affidavit, alleging a single act, with a violation 240
indicated of both division (B)(1)(a), (2), (3), (4), (6), (7), or 241
(8) of this section, or of a limit declared or established 242
pursuant to this section by the director or local authorities, and 243
of the limitation in division (D)~~(1), (2), (3), (4), (5), or (6)~~ 244
of this section. If the court finds a violation of division 245
(B)(1)(a), (2), (3), (4), (6), (7), or (8) of, or a limit declared 246
or established pursuant to, this section has occurred, it shall 247
enter a judgment of conviction under such division and dismiss the 248
charge under division (D)~~(1), (2), (3), (4), (5), or (6)~~ of this 249
section. If it finds no violation of division (B)(1)(a), (2), (3), 250
(4), (6), (7), or (8) of, or a limit declared or established 251
pursuant to, this section, it shall then consider whether the 252
evidence supports a conviction under division (D)~~(1), (2), (3),~~ 253
~~(4), (5), or (6)~~ of this section. 254

(G) Points shall be assessed for violation of a limitation 255
under division (D) of this section in accordance with section 256
4510.036 of the Revised Code. 257

(H) Whenever the director determines upon the basis of a 258
geometric and traffic characteristic study that any speed limit 259
set forth in divisions (B)(1)(a) to (D) of this section is greater 260
or less than is reasonable or safe under the conditions found to 261
exist at any portion of a street or highway under the jurisdiction 262
of the director, the director shall determine and declare a 263
reasonable and safe prima-facie speed limit, which shall be 264
effective when appropriate signs giving notice of it are erected 265
at the location. 266

(I)(1) Except as provided in divisions (I)(2) and (K) of this section, whenever local authorities determine upon the basis of an engineering and traffic investigation that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the local authorities may by resolution request the director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the local authorities. The director may withdraw the declaration of a prima-facie speed limit whenever in the director's opinion the altered prima-facie speed becomes unreasonable. Upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the local authorities.

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

(J) Local authorities in their respective jurisdictions may 299
authorize by ordinance higher prima-facie speeds than those stated 300
in this section upon through highways, or upon highways or 301
portions thereof where there are no intersections, or between 302
widely spaced intersections, provided signs are erected giving 303
notice of the authorized speed, but local authorities shall not 304
modify or alter the basic rule set forth in division (A) of this 305
section or in any event authorize by ordinance a speed in excess 306
of fifty miles per hour. 307

Alteration of prima-facie limits on state routes by local 308
authorities shall not be effective until the alteration has been 309
approved by the director. The director may withdraw approval of 310
any altered prima-facie speed limits whenever in the director's 311
opinion any altered prima-facie speed becomes unreasonable, and 312
upon such withdrawal, the altered prima-facie speed shall become 313
ineffective and the signs relating thereto shall be immediately 314
removed by the local authorities. 315

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 316
section, "unimproved highway" means a highway consisting of any of 317
the following: 318

(a) Unimproved earth; 319

(b) Unimproved graded and drained earth; 320

(c) Gravel. 321

(2) Except as otherwise provided in divisions (K)(4) and (5) 322
of this section, whenever a board of township trustees determines 323
upon the basis of an engineering and traffic investigation that 324
the speed permitted by division (B)(5) of this section on any part 325
of an unimproved highway under its jurisdiction and in the 326
unincorporated territory of the township is greater than is 327
reasonable or safe under the conditions found to exist at the 328
location, the board may by resolution declare a reasonable and 329

safe prima-facie speed limit of fifty-five but not less than 330
twenty-five miles per hour. An altered speed limit adopted by a 331
board of township trustees under this division becomes effective 332
when appropriate traffic control devices, as prescribed in section 333
4511.11 of the Revised Code, giving notice thereof are erected at 334
the location, which shall be no sooner than sixty days after 335
adoption of the resolution. 336

(3)(a) Whenever, in the opinion of a board of township 337
trustees, any altered prima-facie speed limit established by the 338
board under this division becomes unreasonable, the board may 339
adopt a resolution withdrawing the altered prima-facie speed 340
limit. Upon the adoption of such a resolution, the altered 341
prima-facie speed limit becomes ineffective and the traffic 342
control devices relating thereto shall be immediately removed. 343

(b) Whenever a highway ceases to be an unimproved highway and 344
the board has adopted an altered prima-facie speed limit pursuant 345
to division (K)(2) of this section, the board shall, by 346
resolution, withdraw the altered prima-facie speed limit as soon 347
as the highway ceases to be unimproved. Upon the adoption of such 348
a resolution, the altered prima-facie speed limit becomes 349
ineffective and the traffic control devices relating thereto shall 350
be immediately removed. 351

(4)(a) If the boundary of two townships rests on the 352
centerline of an unimproved highway in unincorporated territory 353
and both townships have jurisdiction over the highway, neither of 354
the boards of township trustees of such townships may declare an 355
altered prima-facie speed limit pursuant to division (K)(2) of 356
this section on the part of the highway under their joint 357
jurisdiction unless the boards of township trustees of both of the 358
townships determine, upon the basis of an engineering and traffic 359
investigation, that the speed permitted by division (B)(5) of this 360
section is greater than is reasonable or safe under the conditions 361

found to exist at the location and both boards agree upon a 362
reasonable and safe prima-facie speed limit of less than 363
fifty-five but not less than twenty-five miles per hour for that 364
location. If both boards so agree, each shall follow the procedure 365
specified in division (K)(2) of this section for altering the 366
prima-facie speed limit on the highway. Except as otherwise 367
provided in division (K)(4)(b) of this section, no speed limit 368
altered pursuant to division (K)(4)(a) of this section may be 369
withdrawn unless the boards of township trustees of both townships 370
determine that the altered prima-facie speed limit previously 371
adopted becomes unreasonable and each board adopts a resolution 372
withdrawing the altered prima-facie speed limit pursuant to the 373
procedure specified in division (K)(3)(a) of this section. 374

(b) Whenever a highway described in division (K)(4)(a) of 375
this section ceases to be an unimproved highway and two boards of 376
township trustees have adopted an altered prima-facie speed limit 377
pursuant to division (K)(4)(a) of this section, both boards shall, 378
by resolution, withdraw the altered prima-facie speed limit as 379
soon as the highway ceases to be unimproved. Upon the adoption of 380
the resolution, the altered prima-facie speed limit becomes 381
ineffective and the traffic control devices relating thereto shall 382
be immediately removed. 383

(5) As used in division (K)(5) of this section: 384

(a) "Commercial subdivision" means any platted territory 385
outside the limits of a municipal corporation and fronting a 386
highway where, for a distance of three hundred feet or more, the 387
frontage is improved with buildings in use for commercial 388
purposes, or where the entire length of the highway is less than 389
three hundred feet long and the frontage is improved with 390
buildings in use for commercial purposes. 391

(b) "Residential subdivision" means any platted territory 392
outside the limits of a municipal corporation and fronting a 393

highway, where, for a distance of three hundred feet or more, the 394
frontage is improved with residences or residences and buildings 395
in use for business, or where the entire length of the highway is 396
less than three hundred feet long and the frontage is improved 397
with residences or residences and buildings in use for business. 398

Whenever a board of township trustees finds upon the basis of 399
an engineering and traffic investigation that the prima-facie 400
speed permitted by division (B)(5) of this section on any part of 401
a highway under its jurisdiction that is located in a commercial 402
or residential subdivision, except on highways or portions thereof 403
at the entrances to which vehicular traffic from the majority of 404
intersecting highways is required to yield the right-of-way to 405
vehicles on such highways in obedience to stop or yield signs or 406
traffic control signals, is greater than is reasonable and safe 407
under the conditions found to exist at the location, the board may 408
by resolution declare a reasonable and safe prima-facie speed 409
limit of less than fifty-five but not less than twenty-five miles 410
per hour at the location. An altered speed limit adopted by a 411
board of township trustees under this division shall become 412
effective when appropriate signs giving notice thereof are erected 413
at the location by the township. Whenever, in the opinion of a 414
board of township trustees, any altered prima-facie speed limit 415
established by it under this division becomes unreasonable, it may 416
adopt a resolution withdrawing the altered prima-facie speed, and 417
upon such withdrawal, the altered prima-facie speed shall become 418
ineffective, and the signs relating thereto shall be immediately 419
removed by the township. 420

(L)(1) Within one hundred twenty days of February 29, 1996, 421
the director of transportation, based upon a geometric and traffic 422
characteristic study of a freeway that is part of the interstate 423
system or that is not part of the interstate system, but is built 424
to the standards and specifications that are applicable to 425

freeways that are part of the interstate system, in consultation 426
with the director of public safety and, if applicable, the local 427
authority having jurisdiction over a portion of such freeway, may 428
determine and declare that the speed limit of less than sixty-five 429
miles per hour established on such freeway or portion of freeway 430
either is reasonable and safe or is less than that which is 431
reasonable and safe. 432

(2) If the established speed limit for such a freeway or 433
portion of freeway is determined to be less than that which is 434
reasonable and safe, the director of transportation, in 435
consultation with the director of public safety and, if 436
applicable, the local authority having jurisdiction over the 437
portion of freeway, shall determine and declare a reasonable and 438
safe speed limit of not more than sixty-five miles per hour for 439
that freeway or portion of freeway. 440

The director of transportation or local authority having 441
jurisdiction over the freeway or portion of freeway shall erect 442
appropriate signs giving notice of the speed limit at such 443
location within one hundred fifty days of February 29, 1996. Such 444
speed limit becomes effective only when such signs are erected at 445
the location. 446

(3) If, within one hundred twenty days of February 29, 1996, 447
the director of transportation does not make a determination and 448
declaration of a reasonable and safe speed limit for a freeway or 449
portion of freeway that is part of the interstate system or that 450
is not part of the interstate system, but is built to the 451
standards and specifications that are applicable to freeways that 452
are part of the interstate system and that has a speed limit of 453
less than sixty-five miles per hour, the speed limit on that 454
freeway or portion of a freeway shall be sixty-five miles per 455
hour. The director of transportation or local authority having 456
jurisdiction over the freeway or portion of the freeway shall 457

erect appropriate signs giving notice of the speed limit of 458
sixty-five miles per hour at such location within one hundred 459
fifty days of February 29, 1996. Such speed limit becomes 460
effective only when such signs are erected at the location. A 461
speed limit established through the operation of division (L)(3) 462
of this section is subject to reduction under division (I)(2) of 463
this section. 464

(M) Within three hundred sixty days after February 29, 1996, 465
the director of transportation, based upon a geometric and traffic 466
characteristic study of a rural, divided, multi-lane highway that 467
has been designated as part of the national highway system under 468
the "National Highway System Designation Act of 1995," 109 Stat. 469
568, 23 U.S.C.A. 103, in consultation with the director of public 470
safety and, if applicable, the local authority having jurisdiction 471
over a portion of the highway, may determine and declare that the 472
speed limit of less than sixty-five miles per hour established on 473
the highway or portion of highway either is reasonable and safe or 474
is less than that which is reasonable and safe. 475

If the established speed limit for the highway or portion of 476
highway is determined to be less than that which is reasonable and 477
safe, the director of transportation, in consultation with the 478
director of public safety and, if applicable, the local authority 479
having jurisdiction over the portion of highway, shall determine 480
and declare a reasonable and safe speed limit of not more than 481
sixty-five miles per hour for that highway or portion of highway. 482
The director of transportation or local authority having 483
jurisdiction over the highway or portion of highway shall erect 484
appropriate signs giving notice of the speed limit at such 485
location within three hundred ninety days after February 29, 1996. 486
The speed limit becomes effective only when such signs are erected 487
at the location. 488

(N)(1)(a) If the boundary of two local authorities rests on 489

the centerline of a highway and both authorities have jurisdiction 490
over the highway, the speed limit for the part of the highway 491
within their joint jurisdiction shall be either one of the 492
following as agreed to by both authorities: 493

(i) Either prima-facie speed limit permitted by division (B) 494
of this section; 495

(ii) An altered speed limit determined and posted in 496
accordance with this section. 497

(b) If the local authorities are unable to reach an 498
agreement, the speed limit shall remain as established and posted 499
under this section. 500

(2) Neither local authority may declare an altered 501
prima-facie speed limit pursuant to this section on the part of 502
the highway under their joint jurisdiction unless both of the 503
local authorities determine, upon the basis of an engineering and 504
traffic investigation, that the speed permitted by this section is 505
greater than is reasonable or safe under the conditions found to 506
exist at the location and both authorities agree upon a uniform 507
reasonable and safe prima-facie speed limit of less than 508
fifty-five but not less than twenty-five miles per hour for that 509
location. If both authorities so agree, each shall follow the 510
procedure specified in this section for altering the prima-facie 511
speed limit on the highway, and the speed limit for the part of 512
the highway within their joint jurisdiction shall be uniformly 513
altered. No altered speed limit may be withdrawn unless both local 514
authorities determine that the altered prima-facie speed limit 515
previously adopted becomes unreasonable and each adopts a 516
resolution withdrawing the altered prima-facie speed limit 517
pursuant to the procedure specified in this section. 518

(0) As used in this section: 519

(1) "Interstate system" has the same meaning as in 23 520

U.S.C.A. 101. 521

(2) "Commercial bus" means a motor vehicle designed for 522
carrying more than nine passengers and used for the transportation 523
of persons for compensation. 524

(3) "Noncommercial bus" includes but is not limited to a 525
school bus or a motor vehicle operated solely for the 526
transportation of persons associated with a charitable or 527
nonprofit organization. 528

(P)(1) A violation of any provision of this section is one of 529
the following: 530

(a) Except as otherwise provided in divisions (P)(1)(b), 531
(1)(c), (2), and (3) of this section, a minor misdemeanor; 532

(b) If, within one year of the offense, the offender 533
previously has been convicted of or pleaded guilty to two 534
violations of any provision of this section or of any provision of 535
a municipal ordinance that is substantially similar to any 536
provision of this section, a misdemeanor of the fourth degree; 537

(c) If, within one year of the offense, the offender 538
previously has been convicted of or pleaded guilty to three or 539
more violations of any provision of this section or of any 540
provision of a municipal ordinance that is substantially similar 541
to any provision of this section, a misdemeanor of the third 542
degree. 543

(2) If the offender has not previously been convicted of or 544
pleaded guilty to a violation of any provision of this section or 545
of any provision of a municipal ordinance that is substantially 546
similar to this section and operated a motor vehicle faster than 547
thirty-five miles an hour in a business district of a municipal 548
corporation, faster than fifty miles an hour in other portions of 549
a municipal corporation, or faster than thirty-five miles an hour 550
in a school zone during recess or while children are going to or 551

leaving school during the school's opening or closing hours, a 552
misdemeanor of the fourth degree. 553

(3) Notwithstanding division (P)(1) of this section, if the 554
offender operated a motor vehicle in a construction zone where a 555
sign was then posted in accordance with section 4511.98 of the 556
Revised Code, the court, in addition to all other penalties 557
provided by law, shall impose upon the offender a fine of two 558
times the usual amount imposed for the violation. No court shall 559
impose a fine of two times the usual amount imposed for the 560
violation upon an offender if the offender alleges, in an 561
affidavit filed with the court prior to the offender's sentencing, 562
that the offender is indigent and is unable to pay the fine 563
imposed pursuant to this division and if the court determines that 564
the offender is an indigent person and unable to pay the fine. 565

Section 2. That existing section 4511.21 of the Revised Code 566
is hereby repealed. 567