

As Passed by the House

131st General Assembly

Regular Session

2015-2016

H. B. No. 455

Representatives Patterson, Roegner

Cosponsors: Representatives O'Brien, M., Rogers, Arndt, Anielski, Antonio, Baker, Bishoff, Brown, Buchy, Conditt, Dovilla, Driehaus, Hambley, Leland, Lepore-Hagan, O'Brien, S., Perales, Smith, K., Strahorn, Vitale

A BILL

To amend section 4511.21 of the Revised Code to 1
authorize a municipal corporation or township to 2
establish a boarding school zone and a special 3
speed limit within that zone. 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 8
is reasonable or proper, having due regard to the traffic, 9
surface, and width of the street or highway and any other 10
conditions, and no person shall drive any motor vehicle, 11
trackless trolley, or streetcar in and upon any street or 12
highway at a greater speed than will permit the person to bring 13
it to a stop within the assured clear distance ahead. 14

(B) It is prima-facie lawful, in the absence of a lower 15
limit declared or established pursuant to this section by the 16

director of transportation or local authorities, for the 17
operator of a motor vehicle, trackless trolley, or streetcar to 18
operate the same 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 25
speed shall be governed by division (B) (4) of this section and 26
on freeways, if the right-of-way line fence has been erected 27
without pedestrian opening, the speed shall be governed by 28
divisions (B) (9) and (10) of this section. The end of every 29
school zone may be marked by a sign indicating the end of the 30
zone. Nothing in this section or in the manual and 31
specifications for a uniform system of traffic control devices 32
shall be construed to require school zones to be indicated by 33
signs equipped with flashing or other lights, or giving other 34
special notice of the hours in which the school zone speed limit 35
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 44
presents evidence of this filing to the jurisdiction from which 45
it is requesting the establishment of a school zone. "School" 46
also includes a special elementary school that in writing 47

requests the county engineer of the county in which the special 48
elementary school is located to create a school zone at the 49
location of that school. Upon receipt of such a written request, 50
the county engineer shall create a school zone at that location 51
by erecting the appropriate signs. 52

(c) As used in this section, "school zone" means that 53
portion of a street or highway passing a school fronting upon 54
the street or highway that is encompassed by projecting the 55
school property lines to the fronting street or highway, and 56
also includes that portion of a state highway. Upon request from 57
local authorities for streets and highways under their 58
jurisdiction and that portion of a state highway under the 59
jurisdiction of the director of transportation or a request from 60
a county engineer in the case of a school zone for a special 61
elementary school, the director may extend the traditional 62
school zone boundaries. The distances in divisions (B) (1) (c) (i), 63
(ii), and (iii) of this section shall not exceed three hundred 64
feet per approach per direction and are bounded by whichever of 65
the following distances or combinations thereof the director 66
approves as most appropriate: 67

(i) The distance encompassed by projecting the school 68
building lines normal to the fronting highway and extending a 69
distance of three hundred feet on each approach direction; 70

(ii) The distance encompassed by projecting the school 71
property lines intersecting the fronting highway and extending a 72
distance of three hundred feet on each approach direction; 73

(iii) The distance encompassed by the special marking of 74
the pavement for a principal school pupil crosswalk plus a 75
distance of three hundred feet on each approach direction of the 76
highway. 77

Nothing in this section shall be construed to invalidate 78
the director's initial action on August 9, 1976, establishing 79
all school zones at the traditional school zone boundaries 80
defined by projecting school property lines, except when those 81
boundaries are extended as provided in divisions (B) (1) (a) and 82
(c) of this section. 83

(d) As used in this division, "crosswalk" has the meaning 84
given that term in division (LL) (2) of section 4511.01 of the 85
Revised Code. 86

The director may, upon request by resolution of the 87
legislative authority of a municipal corporation, the board of 88
trustees of a township, or a county board of developmental 89
disabilities created pursuant to Chapter 5126. of the Revised 90
Code, and upon submission by the municipal corporation, 91
township, or county board of such engineering, traffic, and 92
other information as the director considers necessary, designate 93
a school zone on any portion of a state route lying within the 94
municipal corporation, lying within the unincorporated territory 95
of the township, or lying adjacent to the property of a school 96
that is operated by such county board, that includes a crosswalk 97
customarily used by children going to or leaving a school during 98
recess and opening and closing hours, whenever the distance, as 99
measured in a straight line, from the school property line 100
nearest the crosswalk to the nearest point of the crosswalk is 101
no more than one thousand three hundred twenty feet. Such a 102
school zone shall include the distance encompassed by the 103
crosswalk and extending three hundred feet on each approach 104
direction of the state route. 105

(e) As used in this section, "special elementary school" 106
means a school that meets all of the following criteria: 107

(i) It is not chartered and does not receive tax revenue	108
from any source.	109
(ii) It does not educate children beyond the eighth grade.	110
(iii) It is located outside the limits of a municipal	111
corporation.	112
(iv) A majority of the total number of students enrolled	113
at the school are not related by blood.	114
(v) The principal or other person in charge of the special	115
elementary school annually sends a report to the superintendent	116
of the school district in which the special elementary school is	117
located indicating the total number of students enrolled at the	118
school, but otherwise the principal or other person in charge	119
does not report any other information or data to the	120
superintendent.	121
(2) Twenty-five miles per hour in all other portions of a	122
municipal corporation, except on state routes outside business	123
districts, through highways outside business districts, and	124
alleys;	125
(3) Thirty-five miles per hour on all state routes or	126
through highways within municipal corporations outside business	127
districts, except as provided in divisions (B) (4) and (6) of	128
this section;	129
(4) Fifty miles per hour on controlled-access highways and	130
expressways within municipal corporations;	131
(5) Fifty-five miles per hour on highways outside	132
municipal corporations, other than highways within island	133
jurisdictions as provided in division (B) (8) of this section,	134
highways as provided in division (B) (9) of this section, and	135

highways, expressways, and freeways as provided in divisions (B)	136
(12), (13), (14), and (16) of this section;	137
(6) Fifty miles per hour on state routes within municipal	138
corporations outside urban districts unless a lower prima-facie	139
speed is established as further provided in this section;	140
(7) Fifteen miles per hour on all alleys within the	141
municipal corporation;	142
(8) Thirty-five miles per hour on highways outside	143
municipal corporations that are within an island jurisdiction;	144
(9) Sixty miles per hour on two-lane state routes outside	145
municipal corporations as established by the director under	146
division (H) (2) of this section.	147
(10) Fifty-five miles per hour at all times on freeways	148
with paved shoulders inside municipal corporations, other than	149
freeways as provided in divisions (B) (14) and (16) of this	150
section;	151
(11) Fifty-five miles per hour at all times on freeways	152
outside municipal corporations, other than freeways as provided	153
in divisions (B) (14) and (16) of this section;	154
(12) Sixty miles per hour for operators of any motor	155
vehicle at all times on all portions of rural divided highways;	156
(13) Sixty-five miles per hour for operators of any motor	157
vehicle at all times on all rural expressways without traffic	158
control signals;	159
(14) Seventy miles per hour for operators of any motor	160
vehicle at all times on all rural freeways;	161
(15) Fifty-five miles per hour for operators of any motor	162

vehicle at all times on all portions of freeways in congested 163
areas as determined by the director and that are part of the 164
interstate system and are located within a municipal corporation 165
or within an interstate freeway outerbelt; 166

(16) Sixty-five miles per hour for operators of any motor 167
vehicle at all times on all portions of freeways in urban areas 168
as determined by the director and that are part of the 169
interstate system and are part of an interstate freeway 170
outerbelt. 171

(C) It is prima-facie unlawful for any person to exceed 172
any of the speed limitations in divisions (B) (1) (a), (2), (3), 173
(4), (6), (7), and (8) of this section, or any declared or 174
established pursuant to this section by the director or local 175
authorities and it is unlawful for any person to exceed any of 176
the speed limitations in division (D) of this section. No person 177
shall be convicted of more than one violation of this section 178
for the same conduct, although violations of more than one 179
provision of this section may be charged in the alternative in a 180
single affidavit. 181

(D) No person shall operate a motor vehicle, trackless 182
trolley, or streetcar upon a street or highway as follows: 183

(1) At a speed exceeding fifty-five miles per hour, except 184
upon a two-lane state route as provided in division (B) (9) of 185
this section and upon a highway, expressway, or freeway as 186
provided in divisions (B) (12), (13), (14), and (16) of this 187
section; 188

(2) At a speed exceeding sixty miles per hour upon a two- 189
lane state route as provided in division (B) (9) of this section 190
and upon a highway as provided in division (B) (12) of this 191

section;	192
(3) At a speed exceeding sixty-five miles per hour upon an	193
expressway as provided in division (B) (13) or upon a freeway as	194
provided in division (B) (16) of this section, except upon a	195
freeway as provided in division (B) (14) of this section;	196
(4) At a speed exceeding seventy miles per hour upon a	197
freeway as provided in division (B) (14) of this section;	198
(5) At a speed exceeding the posted speed limit upon a	199
highway, expressway, or freeway for which the director has	200
determined and declared a speed limit pursuant to division (I)	201
(2) or (L) (2) of this section.	202
(E) In every charge of violation of this section the	203
affidavit and warrant shall specify the time, place, and speed	204
at which the defendant is alleged to have driven, and in charges	205
made in reliance upon division (C) of this section also the	206
speed which division (B) (1) (a), (2), (3), (4), (6), (7), or (8)	207
of, or a limit declared or established pursuant to, this section	208
declares is prima-facie lawful at the time and place of such	209
alleged violation, except that in affidavits where a person is	210
alleged to have driven at a greater speed than will permit the	211
person to bring the vehicle to a stop within the assured clear	212
distance ahead the affidavit and warrant need not specify the	213
speed at which the defendant is alleged to have driven.	214
(F) When a speed in excess of both a prima-facie	215
limitation and a limitation in division (D) of this section is	216
alleged, the defendant shall be charged in a single affidavit,	217
alleging a single act, with a violation indicated of both	218
division (B) (1) (a), (2), (3), (4), (6), (7), or (8) of this	219
section, or of a limit declared or established pursuant to this	220

section by the director or local authorities, and of the 221
limitation in division (D) of this section. If the court finds a 222
violation of division (B) (1) (a), (2), (3), (4), (6), (7), or (8) 223
of, or a limit declared or established pursuant to, this section 224
has occurred, it shall enter a judgment of conviction under such 225
division and dismiss the charge under division (D) of this 226
section. If it finds no violation of division (B) (1) (a), (2), 227
(3), (4), (6), (7), or (8) of, or a limit declared or 228
established pursuant to, this section, it shall then consider 229
whether the evidence supports a conviction under division (D) of 230
this section. 231

(G) Points shall be assessed for violation of a limitation 232
under division (D) of this section in accordance with section 233
4510.036 of the Revised Code. 234

(H) (1) Whenever the director determines upon the basis of 235
a geometric and traffic characteristic study that any speed 236
limit set forth in divisions (B) (1) (a) to (D) of this section is 237
greater or less than is reasonable or safe under the conditions 238
found to exist at any portion of a street or highway under the 239
jurisdiction of the director, the director shall determine and 240
declare a reasonable and safe prima-facie speed limit, which 241
shall be effective when appropriate signs giving notice of it 242
are erected at the location. 243

(2) Whenever the director determines upon the basis of a 244
geometric and traffic characteristic study that the speed limit 245
of fifty-five miles per hour on a two-lane state route outside a 246
municipal corporation is less than is reasonable or safe under 247
the conditions found to exist at that portion of the state 248
route, the director may determine and declare a speed limit of 249
sixty miles per hour for that portion of the state route, which 250

shall be effective when appropriate signs giving notice of it 251
are erected at the location. 252

(I) (1) Except as provided in divisions (I) (2) and (K) of 253
this section, whenever local authorities determine upon the 254
basis of an engineering and traffic investigation that the speed 255
permitted by divisions (B) (1) (a) to (D) of this section, on any 256
part of a highway under their jurisdiction, is greater than is 257
reasonable and safe under the conditions found to exist at such 258
location, the local authorities may by resolution request the 259
director to determine and declare a reasonable and safe prima- 260
facie speed limit. Upon receipt of such request the director may 261
determine and declare a reasonable and safe prima-facie speed 262
limit at such location, and if the director does so, then such 263
declared speed limit shall become effective only when 264
appropriate signs giving notice thereof are erected at such 265
location by the local authorities. The director may withdraw the 266
declaration of a prima-facie speed limit whenever in the 267
director's opinion the altered prima-facie speed becomes 268
unreasonable. Upon such withdrawal, the declared prima-facie 269
speed shall become ineffective and the signs relating thereto 270
shall be immediately removed by the local authorities. 271

(2) A local authority may determine on the basis of a 272
geometric and traffic characteristic study that the speed limit 273
of sixty-five miles per hour on a portion of a freeway under its 274
jurisdiction that was established through the operation of 275
division (L) (3) of this section is greater than is reasonable or 276
safe under the conditions found to exist at that portion of the 277
freeway. If the local authority makes such a determination, the 278
local authority by resolution may request the director to 279
determine and declare a reasonable and safe speed limit of not 280
less than fifty-five miles per hour for that portion of the 281

freeway. If the director takes such action, the declared speed 282
limit becomes effective only when appropriate signs giving 283
notice of it are erected at such location by the local 284
authority. 285

(J) Local authorities in their respective jurisdictions 286
may authorize by ordinance higher prima-facie speeds than those 287
stated in this section upon through highways, or upon highways 288
or portions thereof where there are no intersections, or between 289
widely spaced intersections, provided signs are erected giving 290
notice of the authorized speed, but local authorities shall not 291
modify or alter the basic rule set forth in division (A) of this 292
section or in any event authorize by ordinance a speed in excess 293
of fifty miles per hour. 294

Alteration of prima-facie limits on state routes by local 295
authorities shall not be effective until the alteration has been 296
approved by the director. The director may withdraw approval of 297
any altered prima-facie speed limits whenever in the director's 298
opinion any altered prima-facie speed becomes unreasonable, and 299
upon such withdrawal, the altered prima-facie speed shall become 300
ineffective and the signs relating thereto shall be immediately 301
removed by the local authorities. 302

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 303
this section, "unimproved highway" means a highway consisting of 304
any of the following: 305

(a) Unimproved earth; 306

(b) Unimproved graded and drained earth; 307

(c) Gravel. 308

(2) Except as otherwise provided in divisions (K) (4) and 309
(5) of this section, whenever a board of township trustees 310

determines upon the basis of an engineering and traffic 311
investigation that the speed permitted by division (B) (5) of 312
this section on any part of an unimproved highway under its 313
jurisdiction and in the unincorporated territory of the township 314
is greater than is reasonable or safe under the conditions found 315
to exist at the location, the board may by resolution declare a 316
reasonable and safe prima-facie speed limit of fifty-five but 317
not less than twenty-five miles per hour. An altered speed limit 318
adopted by a board of township trustees under this division 319
becomes effective when appropriate traffic control devices, as 320
prescribed in section 4511.11 of the Revised Code, giving notice 321
thereof are erected at the location, which shall be no sooner 322
than sixty days after adoption of the resolution. 323

(3) (a) Whenever, in the opinion of a board of township 324
trustees, any altered prima-facie speed limit established by the 325
board under this division becomes unreasonable, the board may 326
adopt a resolution withdrawing the altered prima-facie speed 327
limit. Upon the adoption of such a resolution, the altered 328
prima-facie speed limit becomes ineffective and the traffic 329
control devices relating thereto shall be immediately removed. 330

(b) Whenever a highway ceases to be an unimproved highway 331
and the board has adopted an altered prima-facie speed limit 332
pursuant to division (K) (2) of this section, the board shall, by 333
resolution, withdraw the altered prima-facie speed limit as soon 334
as the highway ceases to be unimproved. Upon the adoption of 335
such a resolution, the altered prima-facie speed limit becomes 336
ineffective and the traffic control devices relating thereto 337
shall be immediately removed. 338

(4) (a) If the boundary of two townships rests on the 339
centerline of an unimproved highway in unincorporated territory 340

and both townships have jurisdiction over the highway, neither 341
of the boards of township trustees of such townships may declare 342
an altered prima-facie speed limit pursuant to division (K) (2) 343
of this section on the part of the highway under their joint 344
jurisdiction unless the boards of township trustees of both of 345
the townships determine, upon the basis of an engineering and 346
traffic investigation, that the speed permitted by division (B) 347
(5) of this section is greater than is reasonable or safe under 348
the conditions found to exist at the location and both boards 349
agree upon a reasonable and safe prima-facie speed limit of less 350
than fifty-five but not less than twenty-five miles per hour for 351
that location. If both boards so agree, each shall follow the 352
procedure specified in division (K) (2) of this section for 353
altering the prima-facie speed limit on the highway. Except as 354
otherwise provided in division (K) (4) (b) of this section, no 355
speed limit altered pursuant to division (K) (4) (a) of this 356
section may be withdrawn unless the boards of township trustees 357
of both townships determine that the altered prima-facie speed 358
limit previously adopted becomes unreasonable and each board 359
adopts a resolution withdrawing the altered prima-facie speed 360
limit pursuant to the procedure specified in division (K) (3) (a) 361
of this section. 362

(b) Whenever a highway described in division (K) (4) (a) of 363
this section ceases to be an unimproved highway and two boards 364
of township trustees have adopted an altered prima-facie speed 365
limit pursuant to division (K) (4) (a) of this section, both 366
boards shall, by resolution, withdraw the altered prima-facie 367
speed limit as soon as the highway ceases to be unimproved. Upon 368
the adoption of the resolution, the altered prima-facie speed 369
limit becomes ineffective and the traffic control devices 370
relating thereto shall be immediately removed. 371

(5) As used in division (K) (5) of this section: 372

(a) "Commercial subdivision" means any platted territory 373
outside the limits of a municipal corporation and fronting a 374
highway where, for a distance of three hundred feet or more, the 375
frontage is improved with buildings in use for commercial 376
purposes, or where the entire length of the highway is less than 377
three hundred feet long and the frontage is improved with 378
buildings in use for commercial purposes. 379

(b) "Residential subdivision" means any platted territory 380
outside the limits of a municipal corporation and fronting a 381
highway, where, for a distance of three hundred feet or more, 382
the frontage is improved with residences or residences and 383
buildings in use for business, or where the entire length of the 384
highway is less than three hundred feet long and the frontage is 385
improved with residences or residences and buildings in use for 386
business. 387

Whenever a board of township trustees finds upon the basis 388
of an engineering and traffic investigation that the prima-facie 389
speed permitted by division (B) (5) of this section on any part 390
of a highway under its jurisdiction that is located in a 391
commercial or residential subdivision, except on highways or 392
portions thereof at the entrances to which vehicular traffic 393
from the majority of intersecting highways is required to yield 394
the right-of-way to vehicles on such highways in obedience to 395
stop or yield signs or traffic control signals, is greater than 396
is reasonable and safe under the conditions found to exist at 397
the location, the board may by resolution declare a reasonable 398
and safe prima-facie speed limit of less than fifty-five but not 399
less than twenty-five miles per hour at the location. An altered 400
speed limit adopted by a board of township trustees under this 401

division shall become effective when appropriate signs giving 402
notice thereof are erected at the location by the township. 403
Whenever, in the opinion of a board of township trustees, any 404
altered prima-facie speed limit established by it under this 405
division becomes unreasonable, it may adopt a resolution 406
withdrawing the altered prima-facie speed, and upon such 407
withdrawal, the altered prima-facie speed shall become 408
ineffective, and the signs relating thereto shall be immediately 409
removed by the township. 410

(L) (1) ~~On the effective date of this amendment~~ September 411
29, 2013, the director of transportation, based upon an 412
engineering study of a highway, expressway, or freeway described 413
in division (B) (12), (13), (14), (15), or (16) of this section, 414
in consultation with the director of public safety and, if 415
applicable, the local authority having jurisdiction over the 416
studied highway, expressway, or freeway, may determine and 417
declare that the speed limit established on such highway, 418
expressway, or freeway under division (B) (12), (13), (14), (15), 419
or (16) of this section either is reasonable and safe or is more 420
or less than that which is reasonable and safe. 421

(2) If the established speed limit for a highway, 422
expressway, or freeway studied pursuant to division (L) (1) of 423
this section is determined to be more or less than that which is 424
reasonable and safe, the director of transportation, in 425
consultation with the director of public safety and, if 426
applicable, the local authority having jurisdiction over the 427
studied highway, expressway, or freeway, shall determine and 428
declare a reasonable and safe speed limit for that highway, 429
expressway, or freeway. 430

~~(N)~~ (M) (1) (a) If the boundary of two local authorities 431

rests on the centerline of a highway and both authorities have 432
jurisdiction over the highway, the speed limit for the part of 433
the highway within their joint jurisdiction shall be either one 434
of the following as agreed to by both authorities: 435

(i) Either prima-facie speed limit permitted by division 436
(B) of this section; 437

(ii) An altered speed limit determined and posted in 438
accordance with this section. 439

(b) If the local authorities are unable to reach an 440
agreement, the speed limit shall remain as established and 441
posted under this section. 442

(2) Neither local authority may declare an altered prima- 443
facie speed limit pursuant to this section on the part of the 444
highway under their joint jurisdiction unless both of the local 445
authorities determine, upon the basis of an engineering and 446
traffic investigation, that the speed permitted by this section 447
is greater than is reasonable or safe under the conditions found 448
to exist at the location and both authorities agree upon a 449
uniform reasonable and safe prima-facie speed limit of less than 450
fifty-five but not less than twenty-five miles per hour for that 451
location. If both authorities so agree, each shall follow the 452
procedure specified in this section for altering the prima-facie 453
speed limit on the highway, and the speed limit for the part of 454
the highway within their joint jurisdiction shall be uniformly 455
altered. No altered speed limit may be withdrawn unless both 456
local authorities determine that the altered prima-facie speed 457
limit previously adopted becomes unreasonable and each adopts a 458
resolution withdrawing the altered prima-facie speed limit 459
pursuant to the procedure specified in this section. 460

(N) The legislative authority of a municipal corporation 461
or township in which a boarding school is located, by resolution 462
or ordinance, may establish a boarding school zone. The 463
legislative authority may alter the speed limit on any street or 464
highway within the boarding school zone and shall specify the 465
hours during which the altered speed limit is in effect. For 466
purposes of determining the boundaries of the boarding school 467
zone, the altered speed limit within the boarding school zone, 468
and the hours the altered speed limit is in effect, the 469
legislative authority shall consult with the administration of 470
the boarding school and with the county engineer or other 471
appropriate engineer, as applicable. A boarding school zone 472
speed limit becomes effective only when appropriate signs giving 473
notice thereof are erected at the appropriate locations. 474

(O) As used in this section: 475

(1) "Interstate system" has the same meaning as in 23 476
U.S.C.A. 101. 477

(2) "Commercial bus" means a motor vehicle designed for 478
carrying more than nine passengers and used for the 479
transportation of persons for compensation. 480

(3) "Noncommercial bus" includes but is not limited to a 481
school bus or a motor vehicle operated solely for the 482
transportation of persons associated with a charitable or 483
nonprofit organization. 484

(4) "Outerbelt" means a portion of a freeway that is part 485
of the interstate system and is located in the outer vicinity of 486
a major municipal corporation or group of municipal 487
corporations, as designated by the director. 488

(5) "Rural" means outside urbanized areas, as designated 489

in accordance with 23 U.S.C. 101, and outside of a business or 490
urban district. 491

(P) (1) A violation of any provision of this section is one 492
of the following: 493

(a) Except as otherwise provided in divisions (P) (1) (b), 494
(1) (c), (2), and (3) of this section, a minor misdemeanor; 495

(b) If, within one year of the offense, the offender 496
previously has been convicted of or pleaded guilty to two 497
violations of any provision of this section or of any provision 498
of a municipal ordinance that is substantially similar to any 499
provision of this section, a misdemeanor of the fourth degree; 500

(c) If, within one year of the offense, the offender 501
previously has been convicted of or pleaded guilty to three or 502
more violations of any provision of this section or of any 503
provision of a municipal ordinance that is substantially similar 504
to any provision of this section, a misdemeanor of the third 505
degree. 506

(2) If the offender has not previously been convicted of 507
or pleaded guilty to a violation of any provision of this 508
section or of any provision of a municipal ordinance that is 509
substantially similar to this section and operated a motor 510
vehicle faster than thirty-five miles an hour in a business 511
district of a municipal corporation, faster than fifty miles an 512
hour in other portions of a municipal corporation, or faster 513
than thirty-five miles an hour in a school zone during recess or 514
while children are going to or leaving school during the 515
school's opening or closing hours, a misdemeanor of the fourth 516
degree. 517

(3) Notwithstanding division (P) (1) of this section, if 518

the offender operated a motor vehicle in a construction zone 519
where a sign was then posted in accordance with section 4511.98 520
of the Revised Code, the court, in addition to all other 521
penalties provided by law, shall impose upon the offender a fine 522
of two times the usual amount imposed for the violation. No 523
court shall impose a fine of two times the usual amount imposed 524
for the violation upon an offender if the offender alleges, in 525
an affidavit filed with the court prior to the offender's 526
sentencing, that the offender is indigent and is unable to pay 527
the fine imposed pursuant to this division and if the court 528
determines that the offender is an indigent person and unable to 529
pay the fine. 530

Section 2. That existing section 4511.21 of the Revised 531
Code is hereby repealed. 532