

As Reported by the House Judiciary Committee

131st General Assembly

Regular Session

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Am. H. B. No. 446

Representative Manning

Cosponsors: Representatives Baker, Rezabek

A BILL

To amend sections 2929.14, 4506.01, 4510.04, and 1
4511.21 of the Revised Code to specify that the 2
prison term that may be imposed for a third 3
degree felony operating a vehicle while 4
intoxicated ("OVI") offense is a definite period 5
of twelve, eighteen, twenty-four, thirty, 6
thirty-six, forty-two, forty-eight, fifty-four, 7
or sixty months, to add "harmful intoxicant" to 8
the definition of "drug of abuse" for the 9
purposes of commercial driver's licensing law, 10
to allow a person to assert the existing 11
affirmative defense of driving in an emergency 12
with regard to a prosecution for driving under a 13
suspended driver's license under specified laws, 14
and to specify that certain enhanced penalties 15
for speeding violations apply regardless of 16
whether the offender previously has been 17
convicted of or pleaded guilty to speeding. 18

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

Section 1. That sections 2929.14, 4506.01, 4510.04, and 19

4511.21 of the Revised Code be amended to read as follows: 20

Sec. 2929.14. (A) Except as provided in division (B) (1), 21
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (E), 22
(G), (H), or (J) of this section or in division (D) (6) of 23
section 2919.25 of the Revised Code and except in relation to an 24
offense for which a sentence of death or life imprisonment is to 25
be imposed, if the court imposing a sentence upon an offender 26
for a felony elects or is required to impose a prison term on 27
the offender pursuant to this chapter, the court shall impose a 28
definite prison term that shall be one of the following: 29

(1) For a felony of the first degree, the prison term 30
shall be three, four, five, six, seven, eight, nine, ten, or 31
eleven years. 32

(2) For a felony of the second degree, the prison term 33
shall be two, three, four, five, six, seven, or eight years. 34

(3) (a) For a felony of the third degree that is a 35
violation of section 2903.06, 2903.08, 2907.03, 2907.04, or 36
2907.05 of the Revised Code, that is a violation of section 37
4511.19 of the Revised Code if the offender previously has been 38
convicted of or pleaded guilty to a violation of division (A) of 39
that section that was a felony, or that is a violation of 40
section 2911.02 or 2911.12 of the Revised Code if the offender 41
previously has been convicted of or pleaded guilty in two or 42
more separate proceedings to two or more violations of section 43
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 44
prison term shall be twelve, eighteen, twenty-four, thirty, 45
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 46

(b) For a felony of the third degree that is not an 47
offense for which division (A) (3) (a) of this section applies, 48

the prison term shall be nine, twelve, eighteen, twenty-four, 49
thirty, or thirty-six months. 50

(4) For a felony of the fourth degree, the prison term 51
shall be six, seven, eight, nine, ten, eleven, twelve, thirteen, 52
fourteen, fifteen, sixteen, seventeen, or eighteen months. 53

(5) For a felony of the fifth degree, the prison term 54
shall be six, seven, eight, nine, ten, eleven, or twelve months. 55

(B) (1) (a) Except as provided in division (B) (1) (e) of this 56
section, if an offender who is convicted of or pleads guilty to 57
a felony also is convicted of or pleads guilty to a 58
specification of the type described in section 2941.141, 59
2941.144, or 2941.145 of the Revised Code, the court shall 60
impose on the offender one of the following prison terms: 61

(i) A prison term of six years if the specification is of 62
the type described in section 2941.144 of the Revised Code that 63
charges the offender with having a firearm that is an automatic 64
firearm or that was equipped with a firearm muffler or 65
suppressor on or about the offender's person or under the 66
offender's control while committing the felony; 67

(ii) A prison term of three years if the specification is 68
of the type described in section 2941.145 of the Revised Code 69
that charges the offender with having a firearm on or about the 70
offender's person or under the offender's control while 71
committing the offense and displaying the firearm, brandishing 72
the firearm, indicating that the offender possessed the firearm, 73
or using it to facilitate the offense; 74

(iii) A prison term of one year if the specification is of 75
the type described in section 2941.141 of the Revised Code that 76
charges the offender with having a firearm on or about the 77

offender's person or under the offender's control while 78
committing the felony. 79

(b) If a court imposes a prison term on an offender under 80
division (B) (1) (a) of this section, the prison term shall not be 81
reduced pursuant to section 2967.19, section 2929.20, section 82
2967.193, or any other provision of Chapter 2967. or Chapter 83
5120. of the Revised Code. Except as provided in division (B) (1) 84
(g) of this section, a court shall not impose more than one 85
prison term on an offender under division (B) (1) (a) of this 86
section for felonies committed as part of the same act or 87
transaction. 88

(c) Except as provided in division (B) (1) (e) of this 89
section, if an offender who is convicted of or pleads guilty to 90
a violation of section 2923.161 of the Revised Code or to a 91
felony that includes, as an essential element, purposely or 92
knowingly causing or attempting to cause the death of or 93
physical harm to another, also is convicted of or pleads guilty 94
to a specification of the type described in section 2941.146 of 95
the Revised Code that charges the offender with committing the 96
offense by discharging a firearm from a motor vehicle other than 97
a manufactured home, the court, after imposing a prison term on 98
the offender for the violation of section 2923.161 of the 99
Revised Code or for the other felony offense under division (A), 100
(B) (2), or (B) (3) of this section, shall impose an additional 101
prison term of five years upon the offender that shall not be 102
reduced pursuant to section 2929.20, section 2967.19, section 103
2967.193, or any other provision of Chapter 2967. or Chapter 104
5120. of the Revised Code. A court shall not impose more than 105
one additional prison term on an offender under division (B) (1) 106
(c) of this section for felonies committed as part of the same 107
act or transaction. If a court imposes an additional prison term 108

on an offender under division (B) (1) (c) of this section relative 109
to an offense, the court also shall impose a prison term under 110
division (B) (1) (a) of this section relative to the same offense, 111
provided the criteria specified in that division for imposing an 112
additional prison term are satisfied relative to the offender 113
and the offense. 114

(d) If an offender who is convicted of or pleads guilty to 115
an offense of violence that is a felony also is convicted of or 116
pleads guilty to a specification of the type described in 117
section 2941.1411 of the Revised Code that charges the offender 118
with wearing or carrying body armor while committing the felony 119
offense of violence, the court shall impose on the offender a 120
prison term of two years. The prison term so imposed, subject to 121
divisions (C) to (I) of section 2967.19 of the Revised Code, 122
shall not be reduced pursuant to section 2929.20, section 123
2967.19, section 2967.193, or any other provision of Chapter 124
2967. or Chapter 5120. of the Revised Code. A court shall not 125
impose more than one prison term on an offender under division 126
(B) (1) (d) of this section for felonies committed as part of the 127
same act or transaction. If a court imposes an additional prison 128
term under division (B) (1) (a) or (c) of this section, the court 129
is not precluded from imposing an additional prison term under 130
division (B) (1) (d) of this section. 131

(e) The court shall not impose any of the prison terms 132
described in division (B) (1) (a) of this section or any of the 133
additional prison terms described in division (B) (1) (c) of this 134
section upon an offender for a violation of section 2923.12 or 135
2923.123 of the Revised Code. The court shall not impose any of 136
the prison terms described in division (B) (1) (a) or (b) of this 137
section upon an offender for a violation of section 2923.122 138
that involves a deadly weapon that is a firearm other than a 139

dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B)(1)(a) of this section or any of the additional prison terms described in division (B)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of

or pleads guilty to a specification of the type described under 170
division (B) (1) (f) of this section in connection with two or 171
more of the felonies of which the offender is convicted or to 172
which the offender pleads guilty, the sentencing court shall 173
impose on the offender the prison term specified under division 174
(B) (1) (f) of this section for each of two of the specifications 175
of which the offender is convicted or to which the offender 176
pleads guilty and, in its discretion, also may impose on the 177
offender the prison term specified under that division for any 178
or all of the remaining specifications. If a court imposes an 179
additional prison term on an offender under division (B) (1) (f) 180
of this section relative to an offense, the court shall not 181
impose a prison term under division (B) (1) (a) or (c) of this 182
section relative to the same offense. 183

(g) If an offender is convicted of or pleads guilty to two 184
or more felonies, if one or more of those felonies are 185
aggravated murder, murder, attempted aggravated murder, 186
attempted murder, aggravated robbery, felonious assault, or 187
rape, and if the offender is convicted of or pleads guilty to a 188
specification of the type described under division (B) (1) (a) of 189
this section in connection with two or more of the felonies, the 190
sentencing court shall impose on the offender the prison term 191
specified under division (B) (1) (a) of this section for each of 192
the two most serious specifications of which the offender is 193
convicted or to which the offender pleads guilty and, in its 194
discretion, also may impose on the offender the prison term 195
specified under that division for any or all of the remaining 196
specifications. 197

(2) (a) If division (B) (2) (b) of this section does not 198
apply, the court may impose on an offender, in addition to the 199
longest prison term authorized or required for the offense, an 200

additional definite prison term of one, two, three, four, five, 201
six, seven, eight, nine, or ten years if all of the following 202
criteria are met: 203

(i) The offender is convicted of or pleads guilty to a 204
specification of the type described in section 2941.149 of the 205
Revised Code that the offender is a repeat violent offender. 206

(ii) The offense of which the offender currently is 207
convicted or to which the offender currently pleads guilty is 208
aggravated murder and the court does not impose a sentence of 209
death or life imprisonment without parole, murder, terrorism and 210
the court does not impose a sentence of life imprisonment 211
without parole, any felony of the first degree that is an 212
offense of violence and the court does not impose a sentence of 213
life imprisonment without parole, or any felony of the second 214
degree that is an offense of violence and the trier of fact 215
finds that the offense involved an attempt to cause or a threat 216
to cause serious physical harm to a person or resulted in 217
serious physical harm to a person. 218

(iii) The court imposes the longest prison term for the 219
offense that is not life imprisonment without parole. 220

(iv) The court finds that the prison terms imposed 221
pursuant to division (B) (2) (a) (iii) of this section and, if 222
applicable, division (B) (1) or (3) of this section are 223
inadequate to punish the offender and protect the public from 224
future crime, because the applicable factors under section 225
2929.12 of the Revised Code indicating a greater likelihood of 226
recidivism outweigh the applicable factors under that section 227
indicating a lesser likelihood of recidivism. 228

(v) The court finds that the prison terms imposed pursuant 229

to division (B) (2) (a) (iii) of this section and, if applicable, 230
division (B) (1) or (3) of this section are demeaning to the 231
seriousness of the offense, because one or more of the factors 232
under section 2929.12 of the Revised Code indicating that the 233
offender's conduct is more serious than conduct normally 234
constituting the offense are present, and they outweigh the 235
applicable factors under that section indicating that the 236
offender's conduct is less serious than conduct normally 237
constituting the offense. 238

(b) The court shall impose on an offender the longest 239
prison term authorized or required for the offense and shall 240
impose on the offender an additional definite prison term of 241
one, two, three, four, five, six, seven, eight, nine, or ten 242
years if all of the following criteria are met: 243

(i) The offender is convicted of or pleads guilty to a 244
specification of the type described in section 2941.149 of the 245
Revised Code that the offender is a repeat violent offender. 246

(ii) The offender within the preceding twenty years has 247
been convicted of or pleaded guilty to three or more offenses 248
described in division (CC) (1) of section 2929.01 of the Revised 249
Code, including all offenses described in that division of which 250
the offender is convicted or to which the offender pleads guilty 251
in the current prosecution and all offenses described in that 252
division of which the offender previously has been convicted or 253
to which the offender previously pleaded guilty, whether 254
prosecuted together or separately. 255

(iii) The offense or offenses of which the offender 256
currently is convicted or to which the offender currently pleads 257
guilty is aggravated murder and the court does not impose a 258
sentence of death or life imprisonment without parole, murder, 259

terrorism and the court does not impose a sentence of life 260
imprisonment without parole, any felony of the first degree that 261
is an offense of violence and the court does not impose a 262
sentence of life imprisonment without parole, or any felony of 263
the second degree that is an offense of violence and the trier 264
of fact finds that the offense involved an attempt to cause or a 265
threat to cause serious physical harm to a person or resulted in 266
serious physical harm to a person. 267

(c) For purposes of division (B) (2) (b) of this section, 268
two or more offenses committed at the same time or as part of 269
the same act or event shall be considered one offense, and that 270
one offense shall be the offense with the greatest penalty. 271

(d) A sentence imposed under division (B) (2) (a) or (b) of 272
this section shall not be reduced pursuant to section 2929.20, 273
section 2967.19, or section 2967.193, or any other provision of 274
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 275
shall serve an additional prison term imposed under this section 276
consecutively to and prior to the prison term imposed for the 277
underlying offense. 278

(e) When imposing a sentence pursuant to division (B) (2) 279
(a) or (b) of this section, the court shall state its findings 280
explaining the imposed sentence. 281

(3) Except when an offender commits a violation of section 282
2903.01 or 2907.02 of the Revised Code and the penalty imposed 283
for the violation is life imprisonment or commits a violation of 284
section 2903.02 of the Revised Code, if the offender commits a 285
violation of section 2925.03 or 2925.11 of the Revised Code and 286
that section classifies the offender as a major drug offender, 287
if the offender commits a felony violation of section 2925.02, 288
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 289

4729.37, or 4729.61, division (C) or (D) of section 3719.172, 290
division (C) of section 4729.51, or division (J) of section 291
4729.54 of the Revised Code that includes the sale, offer to 292
sell, or possession of a schedule I or II controlled substance, 293
with the exception of marihuana, and the court imposing sentence 294
upon the offender finds that the offender is guilty of a 295
specification of the type described in section 2941.1410 of the 296
Revised Code charging that the offender is a major drug 297
offender, if the court imposing sentence upon an offender for a 298
felony finds that the offender is guilty of corrupt activity 299
with the most serious offense in the pattern of corrupt activity 300
being a felony of the first degree, or if the offender is guilty 301
of an attempted violation of section 2907.02 of the Revised Code 302
and, had the offender completed the violation of section 2907.02 303
of the Revised Code that was attempted, the offender would have 304
been subject to a sentence of life imprisonment or life 305
imprisonment without parole for the violation of section 2907.02 306
of the Revised Code, the court shall impose upon the offender 307
for the felony violation a mandatory prison term of the maximum 308
prison term prescribed for a felony of the first degree that, 309
subject to divisions (C) to (I) of section 2967.19 of the 310
Revised Code, cannot be reduced pursuant to section 2929.20, 311
section 2967.19, or any other provision of Chapter 2967. or 312
5120. of the Revised Code. 313

(4) If the offender is being sentenced for a third or 314
fourth degree felony OVI offense under division (G) (2) of 315
section 2929.13 of the Revised Code, the sentencing court shall 316
impose upon the offender a mandatory prison term in accordance 317
with that division. In addition to the mandatory prison term, if 318
the offender is being sentenced for a fourth degree felony OVI 319
offense, the court, notwithstanding division (A) (4) of this 320

section, may sentence the offender to a definite prison term of 321
not less than six months and not more than thirty months, and if 322
the offender is being sentenced for a third degree felony OVI 323
offense, the sentencing court may sentence the offender to an 324
additional prison term of any duration specified in division (A) 325
(3) (a) of this section. In either case, the additional prison 326
term imposed shall be reduced by the sixty or one hundred twenty 327
days imposed upon the offender as the mandatory prison term. The 328
total of the additional prison term imposed under division (B) 329
(4) of this section plus the sixty or one hundred twenty days 330
imposed as the mandatory prison term shall equal a definite term 331
in the range of six months to thirty months for a fourth degree 332
felony OVI offense and shall equal one of the authorized prison 333
terms specified in division (A) (3) (a) of this section for a 334
third degree felony OVI offense. If the court imposes an 335
additional prison term under division (B) (4) of this section, 336
the offender shall serve the additional prison term after the 337
offender has served the mandatory prison term required for the 338
offense. In addition to the mandatory prison term or mandatory 339
and additional prison term imposed as described in division (B) 340
(4) of this section, the court also may sentence the offender to 341
a community control sanction under section 2929.16 or 2929.17 of 342
the Revised Code, but the offender shall serve all of the prison 343
terms so imposed prior to serving the community control 344
sanction. 345

If the offender is being sentenced for a fourth degree 346
felony OVI offense under division (G) (1) of section 2929.13 of 347
the Revised Code and the court imposes a mandatory term of local 348
incarceration, the court may impose a prison term as described 349
in division (A) (1) of that section. 350

(5) If an offender is convicted of or pleads guilty to a 351

violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced

pursuant to section 2929.20, section 2967.19, section 2967.193, 383
or any other provision of Chapter 2967. or Chapter 5120. of the 384
Revised Code. A court shall not impose more than one prison term 385
on an offender under division (B) (6) of this section for 386
felonies committed as part of the same act. 387

(7) (a) If an offender is convicted of or pleads guilty to 388
a felony violation of section 2905.01, 2905.02, 2907.21, 389
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 390
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 391
the Revised Code and also is convicted of or pleads guilty to a 392
specification of the type described in section 2941.1422 of the 393
Revised Code that charges that the offender knowingly committed 394
the offense in furtherance of human trafficking, the court shall 395
impose on the offender a mandatory prison term that is one of 396
the following: 397

(i) If the offense is a felony of the first degree, a 398
definite prison term of not less than five years and not greater 399
than ten years; 400

(ii) If the offense is a felony of the second or third 401
degree, a definite prison term of not less than three years and 402
not greater than the maximum prison term allowed for the offense 403
by division (A) of section 2929.14 of the Revised Code; 404

(iii) If the offense is a felony of the fourth or fifth 405
degree, a definite prison term that is the maximum prison term 406
allowed for the offense by division (A) of section 2929.14 of 407
the Revised Code. 408

(b) Subject to divisions (C) to (I) of section 2967.19 of 409
the Revised Code, the prison term imposed under division (B) (7) 410
(a) of this section shall not be reduced pursuant to section 411

2929.20, section 2967.19, section 2967.193, or any other 412
provision of Chapter 2967. of the Revised Code. A court shall 413
not impose more than one prison term on an offender under 414
division (B) (7) (a) of this section for felonies committed as 415
part of the same act, scheme, or plan. 416

(8) If an offender is convicted of or pleads guilty to a 417
felony violation of section 2903.11, 2903.12, or 2903.13 of the 418
Revised Code and also is convicted of or pleads guilty to a 419
specification of the type described in section 2941.1423 of the 420
Revised Code that charges that the victim of the violation was a 421
woman whom the offender knew was pregnant at the time of the 422
violation, notwithstanding the range of prison terms prescribed 423
in division (A) of this section for felonies of the same degree 424
as the violation, the court shall impose on the offender a 425
mandatory prison term that is either a definite prison term of 426
six months or one of the prison terms prescribed in section 427
2929.14 of the Revised Code for felonies of the same degree as 428
the violation. 429

(C) (1) (a) Subject to division (C) (1) (b) of this section, 430
if a mandatory prison term is imposed upon an offender pursuant 431
to division (B) (1) (a) of this section for having a firearm on or 432
about the offender's person or under the offender's control 433
while committing a felony, if a mandatory prison term is imposed 434
upon an offender pursuant to division (B) (1) (c) of this section 435
for committing a felony specified in that division by 436
discharging a firearm from a motor vehicle, or if both types of 437
mandatory prison terms are imposed, the offender shall serve any 438
mandatory prison term imposed under either division 439
consecutively to any other mandatory prison term imposed under 440
either division or under division (B) (1) (d) of this section, 441
consecutively to and prior to any prison term imposed for the 442

underlying felony pursuant to division (A), (B) (2), or (B) (3) of 443
this section or any other section of the Revised Code, and 444
consecutively to any other prison term or mandatory prison term 445
previously or subsequently imposed upon the offender. 446

(b) If a mandatory prison term is imposed upon an offender 447
pursuant to division (B) (1) (d) of this section for wearing or 448
carrying body armor while committing an offense of violence that 449
is a felony, the offender shall serve the mandatory term so 450
imposed consecutively to any other mandatory prison term imposed 451
under that division or under division (B) (1) (a) or (c) of this 452
section, consecutively to and prior to any prison term imposed 453
for the underlying felony under division (A), (B) (2), or (B) (3) 454
of this section or any other section of the Revised Code, and 455
consecutively to any other prison term or mandatory prison term 456
previously or subsequently imposed upon the offender. 457

(c) If a mandatory prison term is imposed upon an offender 458
pursuant to division (B) (1) (f) of this section, the offender 459
shall serve the mandatory prison term so imposed consecutively 460
to and prior to any prison term imposed for the underlying 461
felony under division (A), (B) (2), or (B) (3) of this section or 462
any other section of the Revised Code, and consecutively to any 463
other prison term or mandatory prison term previously or 464
subsequently imposed upon the offender. 465

(d) If a mandatory prison term is imposed upon an offender 466
pursuant to division (B) (7) or (8) of this section, the offender 467
shall serve the mandatory prison term so imposed consecutively 468
to any other mandatory prison term imposed under that division 469
or under any other provision of law and consecutively to any 470
other prison term or mandatory prison term previously or 471
subsequently imposed upon the offender. 472

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, or 2921.35 of the Revised Code or division (A) (1) or (2) of section 2921.34 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is an escapee in violation of division (A) (1) or (2) of section 2921.34 of the Revised Code, any prison term imposed upon the offender for one of those violations shall be served by the offender consecutively to the prison term or term of imprisonment the offender was serving when the offender committed that offense and to any other prison term previously or subsequently imposed upon the offender.

(3) If a prison term is imposed for a violation of division (B) of section 2911.01 of the Revised Code, a violation of division (A) of section 2913.02 of the Revised Code in which the stolen property is a firearm or dangerous ordnance, or a felony violation of division (B) of section 2921.331 of the Revised Code, the offender shall serve that prison term consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(4) If multiple prison terms are imposed on an offender for convictions of multiple offenses, the court may require the offender to serve the prison terms consecutively if the court finds that the consecutive service is necessary to protect the public from future crime or to punish the offender and that consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the

offender poses to the public, and if the court also finds any of 504
the following: 505

(a) The offender committed one or more of the multiple 506
offenses while the offender was awaiting trial or sentencing, 507
was under a sanction imposed pursuant to section 2929.16, 508
2929.17, or 2929.18 of the Revised Code, or was under post- 509
release control for a prior offense. 510

(b) At least two of the multiple offenses were committed 511
as part of one or more courses of conduct, and the harm caused 512
by two or more of the multiple offenses so committed was so 513
great or unusual that no single prison term for any of the 514
offenses committed as part of any of the courses of conduct 515
adequately reflects the seriousness of the offender's conduct. 516

(c) The offender's history of criminal conduct 517
demonstrates that consecutive sentences are necessary to protect 518
the public from future crime by the offender. 519

(5) If a mandatory prison term is imposed upon an offender 520
pursuant to division (B) (5) or (6) of this section, the offender 521
shall serve the mandatory prison term consecutively to and prior 522
to any prison term imposed for the underlying violation of 523
division (A) (1) or (2) of section 2903.06 of the Revised Code 524
pursuant to division (A) of this section or section 2929.142 of 525
the Revised Code. If a mandatory prison term is imposed upon an 526
offender pursuant to division (B) (5) of this section, and if a 527
mandatory prison term also is imposed upon the offender pursuant 528
to division (B) (6) of this section in relation to the same 529
violation, the offender shall serve the mandatory prison term 530
imposed pursuant to division (B) (5) of this section 531
consecutively to and prior to the mandatory prison term imposed 532
pursuant to division (B) (6) of this section and consecutively to 533

and prior to any prison term imposed for the underlying 534
violation of division (A) (1) or (2) of section 2903.06 of the 535
Revised Code pursuant to division (A) of this section or section 536
2929.142 of the Revised Code. 537

(6) When consecutive prison terms are imposed pursuant to 538
division (C) (1), (2), (3), (4), or (5) or division (H) (1) or (2) 539
of this section, the term to be served is the aggregate of all 540
of the terms so imposed. 541

(D) (1) If a court imposes a prison term for a felony of 542
the first degree, for a felony of the second degree, for a 543
felony sex offense, or for a felony of the third degree that is 544
not a felony sex offense and in the commission of which the 545
offender caused or threatened to cause physical harm to a 546
person, it shall include in the sentence a requirement that the 547
offender be subject to a period of post-release control after 548
the offender's release from imprisonment, in accordance with 549
that division. If a court imposes a sentence including a prison 550
term of a type described in this division on or after July 11, 551
2006, the failure of a court to include a post-release control 552
requirement in the sentence pursuant to this division does not 553
negate, limit, or otherwise affect the mandatory period of post- 554
release control that is required for the offender under division 555
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 556
the Revised Code applies if, prior to July 11, 2006, a court 557
imposed a sentence including a prison term of a type described 558
in this division and failed to include in the sentence pursuant 559
to this division a statement regarding post-release control. 560

(2) If a court imposes a prison term for a felony of the 561
third, fourth, or fifth degree that is not subject to division 562
(D) (1) of this section, it shall include in the sentence a 563

requirement that the offender be subject to a period of post- 564
release control after the offender's release from imprisonment, 565
in accordance with that division, if the parole board determines 566
that a period of post-release control is necessary. Section 567
2929.191 of the Revised Code applies if, prior to July 11, 2006, 568
a court imposed a sentence including a prison term of a type 569
described in this division and failed to include in the sentence 570
pursuant to this division a statement regarding post-release 571
control. 572

(E) The court shall impose sentence upon the offender in 573
accordance with section 2971.03 of the Revised Code, and Chapter 574
2971. of the Revised Code applies regarding the prison term or 575
term of life imprisonment without parole imposed upon the 576
offender and the service of that term of imprisonment if any of 577
the following apply: 578

(1) A person is convicted of or pleads guilty to a violent 579
sex offense or a designated homicide, assault, or kidnapping 580
offense, and, in relation to that offense, the offender is 581
adjudicated a sexually violent predator. 582

(2) A person is convicted of or pleads guilty to a 583
violation of division (A) (1) (b) of section 2907.02 of the 584
Revised Code committed on or after January 2, 2007, and either 585
the court does not impose a sentence of life without parole when 586
authorized pursuant to division (B) of section 2907.02 of the 587
Revised Code, or division (B) of section 2907.02 of the Revised 588
Code provides that the court shall not sentence the offender 589
pursuant to section 2971.03 of the Revised Code. 590

(3) A person is convicted of or pleads guilty to attempted 591
rape committed on or after January 2, 2007, and a specification 592
of the type described in section 2941.1418, 2941.1419, or 593

2941.1420 of the Revised Code.	594
(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	595 596 597 598 599
(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires the court to sentence the offender pursuant to division (B) (3) of section 2971.03 of the Revised Code.	600 601 602 603 604 605 606 607
(6) A person is convicted of or pleads guilty to murder committed on or after January 1, 2008, and division (B) (2) of section 2929.02 of the Revised Code requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.	608 609 610 611 612
(F) If a person who has been convicted of or pleaded guilty to a felony is sentenced to a prison term or term of imprisonment under this section, sections 2929.02 to 2929.06 of the Revised Code, section 2929.142 of the Revised Code, section 2971.03 of the Revised Code, or any other provision of law, section 5120.163 of the Revised Code applies regarding the person while the person is confined in a state correctional institution.	613 614 615 616 617 618 619 620
(G) If an offender who is convicted of or pleads guilty to a felony that is an offense of violence also is convicted of or	621 622

pleads guilty to a specification of the type described in 623
section 2941.142 of the Revised Code that charges the offender 624
with having committed the felony while participating in a 625
criminal gang, the court shall impose upon the offender an 626
additional prison term of one, two, or three years. 627

(H) (1) If an offender who is convicted of or pleads guilty 628
to aggravated murder, murder, or a felony of the first, second, 629
or third degree that is an offense of violence also is convicted 630
of or pleads guilty to a specification of the type described in 631
section 2941.143 of the Revised Code that charges the offender 632
with having committed the offense in a school safety zone or 633
towards a person in a school safety zone, the court shall impose 634
upon the offender an additional prison term of two years. The 635
offender shall serve the additional two years consecutively to 636
and prior to the prison term imposed for the underlying offense. 637

(2) (a) If an offender is convicted of or pleads guilty to 638
a felony violation of section 2907.22, 2907.24, 2907.241, or 639
2907.25 of the Revised Code and to a specification of the type 640
described in section 2941.1421 of the Revised Code and if the 641
court imposes a prison term on the offender for the felony 642
violation, the court may impose upon the offender an additional 643
prison term as follows: 644

(i) Subject to division (H) (2) (a) (ii) of this section, an 645
additional prison term of one, two, three, four, five, or six 646
months; 647

(ii) If the offender previously has been convicted of or 648
pleaded guilty to one or more felony or misdemeanor violations 649
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 650
the Revised Code and also was convicted of or pleaded guilty to 651
a specification of the type described in section 2941.1421 of 652

the Revised Code regarding one or more of those violations, an 653
additional prison term of one, two, three, four, five, six, 654
seven, eight, nine, ten, eleven, or twelve months. 655

(b) In lieu of imposing an additional prison term under 656
division (H)(2)(a) of this section, the court may directly 657
impose on the offender a sanction that requires the offender to 658
wear a real-time processing, continual tracking electronic 659
monitoring device during the period of time specified by the 660
court. The period of time specified by the court shall equal the 661
duration of an additional prison term that the court could have 662
imposed upon the offender under division (H)(2)(a) of this 663
section. A sanction imposed under this division shall commence 664
on the date specified by the court, provided that the sanction 665
shall not commence until after the offender has served the 666
prison term imposed for the felony violation of section 2907.22, 667
2907.24, 2907.241, or 2907.25 of the Revised Code and any 668
residential sanction imposed for the violation under section 669
2929.16 of the Revised Code. A sanction imposed under this 670
division shall be considered to be a community control sanction 671
for purposes of section 2929.15 of the Revised Code, and all 672
provisions of the Revised Code that pertain to community control 673
sanctions shall apply to a sanction imposed under this division, 674
except to the extent that they would by their nature be clearly 675
inapplicable. The offender shall pay all costs associated with a 676
sanction imposed under this division, including the cost of the 677
use of the monitoring device. 678

(I) At the time of sentencing, the court may recommend the 679
offender for placement in a program of shock incarceration under 680
section 5120.031 of the Revised Code or for placement in an 681
intensive program prison under section 5120.032 of the Revised 682
Code, disapprove placement of the offender in a program of shock 683

incarceration or an intensive program prison of that nature, or 684
make no recommendation on placement of the offender. In no case 685
shall the department of rehabilitation and correction place the 686
offender in a program or prison of that nature unless the 687
department determines as specified in section 5120.031 or 688
5120.032 of the Revised Code, whichever is applicable, that the 689
offender is eligible for the placement. 690

If the court disapproves placement of the offender in a 691
program or prison of that nature, the department of 692
rehabilitation and correction shall not place the offender in 693
any program of shock incarceration or intensive program prison. 694

If the court recommends placement of the offender in a 695
program of shock incarceration or in an intensive program 696
prison, and if the offender is subsequently placed in the 697
recommended program or prison, the department shall notify the 698
court of the placement and shall include with the notice a brief 699
description of the placement. 700

If the court recommends placement of the offender in a 701
program of shock incarceration or in an intensive program prison 702
and the department does not subsequently place the offender in 703
the recommended program or prison, the department shall send a 704
notice to the court indicating why the offender was not placed 705
in the recommended program or prison. 706

If the court does not make a recommendation under this 707
division with respect to an offender and if the department 708
determines as specified in section 5120.031 or 5120.032 of the 709
Revised Code, whichever is applicable, that the offender is 710
eligible for placement in a program or prison of that nature, 711
the department shall screen the offender and determine if there 712
is an available program of shock incarceration or an intensive 713

program prison for which the offender is suited. If there is an 714
available program of shock incarceration or an intensive program 715
prison for which the offender is suited, the department shall 716
notify the court of the proposed placement of the offender as 717
specified in section 5120.031 or 5120.032 of the Revised Code 718
and shall include with the notice a brief description of the 719
placement. The court shall have ten days from receipt of the 720
notice to disapprove the placement. 721

(J) If a person is convicted of or pleads guilty to 722
aggravated vehicular homicide in violation of division (A) (1) of 723
section 2903.06 of the Revised Code and division (B) (2) (c) of 724
that section applies, the person shall be sentenced pursuant to 725
section 2929.142 of the Revised Code. 726

Sec. 4506.01. As used in this chapter: 727

(A) "Alcohol concentration" means the concentration of 728
alcohol in a person's blood, breath, or urine. When expressed as 729
a percentage, it means grams of alcohol per the following: 730

(1) One hundred milliliters of whole blood, blood serum, 731
or blood plasma; 732

(2) Two hundred ten liters of breath; 733

(3) One hundred milliliters of urine. 734

(B) "Commercial driver's license" means a license issued 735
in accordance with this chapter that authorizes an individual to 736
drive a commercial motor vehicle. 737

(C) "Commercial driver's license information system" means 738
the information system established pursuant to the requirements 739
of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 740
3207-171, 49 U.S.C.A. App. 2701. 741

(D) Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of twenty-six thousand one pounds or more;

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

(E) "Controlled substance" means all of the following:

(1) Any substance classified as a controlled substance	771
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21	772
U.S.C.A. 802(6), as amended;	773
(2) Any substance included in schedules I through V of 21	774
C.F.R. part 1308, as amended;	775
(3) Any drug of abuse.	776
(F) "Conviction" means an unvacated adjudication of guilt	777
or a determination that a person has violated or failed to	778
comply with the law in a court of original jurisdiction or an	779
authorized administrative tribunal, an unvacated forfeiture of	780
bail or collateral deposited to secure the person's appearance	781
in court, a plea of guilty or nolo contendere accepted by the	782
court, the payment of a fine or court cost, or violation of a	783
condition of release without bail, regardless of whether or not	784
the penalty is rebated, suspended, or probated.	785
(G) "Disqualification" means any of the following:	786
(1) The suspension, revocation, or cancellation of a	787
person's privileges to operate a commercial motor vehicle;	788
(2) Any withdrawal of a person's privileges to operate a	789
commercial motor vehicle as the result of a violation of state	790
or local law relating to motor vehicle traffic control other	791
than parking, vehicle weight, or vehicle defect violations;	792
(3) A determination by the federal motor carrier safety	793
administration that a person is not qualified to operate a	794
commercial motor vehicle under 49 C.F.R. 391.	795
(H) "Domiciled" means having a true, fixed, principal, and	796
permanent residence to which an individual intends to return.	797
(I) "Downgrade" means any of the following, as applicable:	798

(1) A change in the commercial driver's license, or	799
commercial driver's license temporary instruction permit,	800
holder's self-certified status as described in division (A) (1)	801
of section 4506.10 of the Revised Code;	802
(2) A change to a lesser class of vehicle;	803
(3) Removal of commercial driver's license privileges from	804
the individual's driver's license.	805
(J) "Drive" means to drive, operate, or be in physical	806
control of a motor vehicle.	807
(K) "Driver" means any person who drives, operates, or is	808
in physical control of a commercial motor vehicle or is required	809
to have a commercial driver's license.	810
(L) "Driver's license" means a license issued by the	811
bureau of motor vehicles that authorizes an individual to drive.	812
(M) "Drug of abuse" means any controlled substance,	813
<u>harmful intoxicant as defined in section 2925.01 of the Revised</u>	814
<u>Code</u> , dangerous drug as defined in section 4729.01 of the	815
Revised Code, or over-the-counter medication that, when taken in	816
quantities exceeding the recommended dosage, can result in	817
impairment of judgment or reflexes.	818
(N) "Electronic device" includes a cellular telephone, a	819
personal digital assistant, a pager, a computer, and any other	820
device used to input, write, send, receive, or read text.	821
(O) "Eligible unit of local government" means a village,	822
township, or county that has a population of not more than three	823
thousand persons according to the most recent federal census.	824
(P) "Employer" means any person, including the federal	825
government, any state, and a political subdivision of any state,	826

that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

(Q) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

(R) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock, and poultry production, and livestock, poultry, and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this division and is not used in the operations of a motor carrier, as defined in section 4923.01 of the Revised Code.

(S) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of death.

(T) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

(U) "Foreign jurisdiction" means any jurisdiction other than a state.

(V) "Gross vehicle weight rating" means the value 856
specified by the manufacturer as the maximum loaded weight of a 857
single or a combination vehicle. The gross vehicle weight rating 858
of a combination vehicle is the gross vehicle weight rating of 859
the power unit plus the gross vehicle weight rating of each 860
towed unit. 861

(W) "Hazardous materials" means any material that has been 862
designated as hazardous under 49 U.S.C. 5103 and is required to 863
be placarded under subpart F of 49 C.F.R. part 172 or any 864
quantity of a material listed as a select agent or toxin in 42 865
C.F.R. part 73, as amended. 866

(X) "Imminent hazard" means the existence of a condition 867
that presents a substantial likelihood that death, serious 868
illness, severe personal injury, or a substantial endangerment 869
to health, property, or the environment may occur before the 870
reasonably foreseeable completion date of a formal proceeding 871
begun to lessen the risk of that death, illness, injury, or 872
endangerment. 873

(Y) "Medical variance" means one of the following received 874
by a driver from the federal motor carrier safety administration 875
that allows the driver to be issued a medical certificate: 876

(1) An exemption letter permitting operation of a 877
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 878
C.F.R. 391.64; 879

(2) A skill performance evaluation certificate permitting 880
operation of a commercial motor vehicle pursuant to 49 C.F.R. 881
391.49. 882

(Z) "Mobile telephone" means a mobile communication device 883
that falls under or uses any commercial mobile radio service as 884

defined in 47 C.F.R. 20, except that mobile telephone does not 885
include two-way or citizens band radio services. 886

(AA) "Motor vehicle" means a vehicle, machine, tractor, 887
trailer, or semitrailer propelled or drawn by mechanical power 888
used on highways, except that such term does not include a 889
vehicle, machine, tractor, trailer, or semitrailer operated 890
exclusively on a rail. 891

(BB) "Out-of-service order" means a declaration by an 892
authorized enforcement officer of a federal, state, local, 893
Canadian, or Mexican jurisdiction declaring that a driver, 894
commercial motor vehicle, or commercial motor carrier operation 895
is out of service as defined in 49 C.F.R. 390.5. 896

(CC) "Peace officer" has the same meaning as in section 897
2935.01 of the Revised Code. 898

(DD) "Portable tank" means a liquid or gaseous packaging 899
designed primarily to be loaded onto or temporarily attached to 900
a vehicle and equipped with skids, mountings, or accessories to 901
facilitate handling of the tank by mechanical means. 902

(EE) "Public safety vehicle" has the same meaning as in 903
divisions (E) (1) and (3) of section 4511.01 of the Revised Code. 904

(FF) "Recreational vehicle" includes every vehicle that is 905
defined as a recreational vehicle in section 4501.01 of the 906
Revised Code and is used exclusively for purposes other than 907
engaging in business for profit. 908

(GG) "Residence" means any person's residence determined 909
in accordance with standards prescribed in rules adopted by the 910
registrar. 911

(HH) "School bus" has the same meaning as in section 912

4511.01 of the Revised Code.	913
(II) "Serious traffic violation" means any of the following:	914
	915
(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of section 4506.03 of the Revised Code;	916
	917
	918
(2) (a) Except as provided in division (II) (2) (b) of this section, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially similar law of another state or political subdivision of another state prohibiting either of the following:	919
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(i) Texting while driving;	925
(ii) Using a handheld mobile telephone.	926
(b) It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.	927
	928
	929
(3) A conviction arising from the operation of any motor vehicle that involves any of the following:	930
	931
(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more;	932
	933
(b) Violation of section 4511.20 or 4511.201 of the Revised Code or any similar ordinance or resolution, or of any similar law of another state or political subdivision of another state;	934
	935
	936
	937
(c) Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking	938
	939

violation, or of any similar law of another state or political subdivision of another state, that results in a fatal accident;	940 941
(d) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;	942 943 944 945 946 947 948 949
(e) Violation of section 4506.03 of the Revised Code or a substantially similar municipal ordinance or county or township resolution, or of any similar law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;	950 951 952 953 954 955
(f) Violation of section 4511.33 or 4511.34 of the Revised Code, or any municipal ordinance or county or township resolution substantially similar to either of those sections, or any substantially similar law of another state or political subdivision of another state;	956 957 958 959 960
(g) Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:	961 962 963 964
(i) It relates to traffic control, other than a parking violation;	965 966
(ii) It is determined to be a serious traffic violation by the United States secretary of transportation and is designated	967 968

by the director as such by rule.	969
(JJ) "State" means a state of the United States and	970
includes the District of Columbia.	971
(KK) "Tank vehicle" means any commercial motor vehicle	972
that is designed to transport any liquid or gaseous materials	973
within a tank or tanks that are either permanently or	974
temporarily attached to the vehicle or its chassis and have an	975
individual rated capacity of more than one hundred nineteen	976
gallons and an aggregate rated capacity of one thousand gallons	977
or more. "Tank vehicle" does not include a commercial motor	978
vehicle transporting an empty storage container tank that is not	979
designed for transportation, has a rated capacity of one	980
thousand gallons or more, and is temporarily attached to a	981
flatbed trailer.	982
(LL) "Tester" means a person or entity acting pursuant to	983
a valid agreement entered into pursuant to division (B) of	984
section 4506.09 of the Revised Code.	985
(MM) "Texting" means manually entering alphanumeric text	986
into, or reading text from, an electronic device. Texting	987
includes short message service, e-mail, instant messaging, a	988
command or request to access a world wide web page, pressing	989
more than a single button to initiate or terminate a voice	990
communication using a mobile telephone, or engaging in any other	991
form of electronic text retrieval or entry, for present or	992
future communication. Texting does not include the following:	993
(1) Using voice commands to initiate, receive, or	994
terminate a voice communication using a mobile telephone;	995
(2) Inputting, selecting, or reading information on a	996
global positioning system or navigation system;	997

(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or	998 999
(4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player.	1000 1001 1002 1003
(NN) "Texting while driving" means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.	1004 1005 1006 1007 1008 1009 1010 1011
(OO) "United States" means the fifty states and the District of Columbia.	1012 1013
(PP) "Upgrade" means a change in the class of vehicles, endorsements, or self-certified status as described in division (A) (1) of section 4506.10 of the Revised Code, that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter;	1014 1015 1016 1017 1018
(QQ) "Use of a handheld mobile telephone" means:	1019
(1) Using at least one hand to hold a mobile telephone to conduct a voice communication;	1020 1021
(2) Dialing or answering a mobile telephone by pressing more than a single button; or	1022 1023
(3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in	1024 1025

a seated driving position, or restrained by a seat belt that is 1026
installed in accordance with 49 C.F.R. 393.93 and adjusted in 1027
accordance with the vehicle manufacturer's instructions. 1028

(RR) "Vehicle" has the same meaning as in section 4511.01 1029
of the Revised Code. 1030

Sec. 4510.04. It is an affirmative defense to any 1031
prosecution brought under section 4510.037, 4510.11, 4510.111, 1032
4510.14, 4510.16, or 4510.21 of the Revised Code or under any 1033
substantially equivalent municipal ordinance that the alleged 1034
offender drove under suspension, without a valid permit or 1035
driver's or commercial driver's license, or in violation of a 1036
restriction because of a substantial emergency, and because no 1037
other person was reasonably available to drive in response to 1038
the emergency. 1039

It is an affirmative defense to any prosecution brought 1040
under section 4510.16 of the Revised Code that the order of 1041
suspension resulted from the failure of the alleged offender to 1042
respond to a financial responsibility random verification 1043
request under division (A) (3) (c) of section 4509.101 of the 1044
Revised Code and that, at the time of the initial financial 1045
responsibility random verification request, the alleged offender 1046
was in compliance with division (A) (1) of section 4509.101 of 1047
the Revised Code as shown by proof of financial responsibility 1048
that was in effect at the time of that request. 1049

Sec. 4511.21. (A) No person shall operate a motor vehicle, 1050
trackless trolley, or streetcar at a speed greater or less than 1051
is reasonable or proper, having due regard to the traffic, 1052
surface, and width of the street or highway and any other 1053
conditions, and no person shall drive any motor vehicle, 1054
trackless trolley, or streetcar in and upon any street or 1055

highway at a greater speed than will permit the person to bring 1056
it to a stop within the assured clear distance ahead. 1057

(B) It is prima-facie lawful, in the absence of a lower 1058
limit declared or established pursuant to this section by the 1059
director of transportation or local authorities, for the 1060
operator of a motor vehicle, trackless trolley, or streetcar to 1061
operate the same at a speed not exceeding the following: 1062

(1) (a) Twenty miles per hour in school zones during school 1063
recess and while children are going to or leaving school during 1064
the opening or closing hours, and when twenty miles per hour 1065
school speed limit signs are erected; except that, on 1066
controlled-access highways and expressways, if the right-of-way 1067
line fence has been erected without pedestrian opening, the 1068
speed shall be governed by division (B) (4) of this section and 1069
on freeways, if the right-of-way line fence has been erected 1070
without pedestrian opening, the speed shall be governed by 1071
divisions (B) (9) and (10) of this section. The end of every 1072
school zone may be marked by a sign indicating the end of the 1073
zone. Nothing in this section or in the manual and 1074
specifications for a uniform system of traffic control devices 1075
shall be construed to require school zones to be indicated by 1076
signs equipped with flashing or other lights, or giving other 1077
special notice of the hours in which the school zone speed limit 1078
is in effect. 1079

(b) As used in this section and in section 4511.212 of the 1080
Revised Code, "school" means any school chartered under section 1081
3301.16 of the Revised Code and any nonchartered school that 1082
during the preceding year filed with the department of education 1083
in compliance with rule 3301-35-08 of the Ohio Administrative 1084
Code, a copy of the school's report for the parents of the 1085

school's pupils certifying that the school meets Ohio minimum 1086
standards for nonchartered, nontax-supported schools and 1087
presents evidence of this filing to the jurisdiction from which 1088
it is requesting the establishment of a school zone. "School" 1089
also includes a special elementary school that in writing 1090
requests the county engineer of the county in which the special 1091
elementary school is located to create a school zone at the 1092
location of that school. Upon receipt of such a written request, 1093
the county engineer shall create a school zone at that location 1094
by erecting the appropriate signs. 1095

(c) As used in this section, "school zone" means that 1096
portion of a street or highway passing a school fronting upon 1097
the street or highway that is encompassed by projecting the 1098
school property lines to the fronting street or highway, and 1099
also includes that portion of a state highway. Upon request from 1100
local authorities for streets and highways under their 1101
jurisdiction and that portion of a state highway under the 1102
jurisdiction of the director of transportation or a request from 1103
a county engineer in the case of a school zone for a special 1104
elementary school, the director may extend the traditional 1105
school zone boundaries. The distances in divisions (B) (1) (c) (i), 1106
(ii), and (iii) of this section shall not exceed three hundred 1107
feet per approach per direction and are bounded by whichever of 1108
the following distances or combinations thereof the director 1109
approves as most appropriate: 1110

(i) The distance encompassed by projecting the school 1111
building lines normal to the fronting highway and extending a 1112
distance of three hundred feet on each approach direction; 1113

(ii) The distance encompassed by projecting the school 1114
property lines intersecting the fronting highway and extending a 1115

distance of three hundred feet on each approach direction; 1116

(iii) The distance encompassed by the special marking of 1117
the pavement for a principal school pupil crosswalk plus a 1118
distance of three hundred feet on each approach direction of the 1119
highway. 1120

Nothing in this section shall be construed to invalidate 1121
the director's initial action on August 9, 1976, establishing 1122
all school zones at the traditional school zone boundaries 1123
defined by projecting school property lines, except when those 1124
boundaries are extended as provided in divisions (B) (1) (a) and 1125
(c) of this section. 1126

(d) As used in this division, "crosswalk" has the meaning 1127
given that term in division (LL) (2) of section 4511.01 of the 1128
Revised Code. 1129

The director may, upon request by resolution of the 1130
legislative authority of a municipal corporation, the board of 1131
trustees of a township, or a county board of developmental 1132
disabilities created pursuant to Chapter 5126. of the Revised 1133
Code, and upon submission by the municipal corporation, 1134
township, or county board of such engineering, traffic, and 1135
other information as the director considers necessary, designate 1136
a school zone on any portion of a state route lying within the 1137
municipal corporation, lying within the unincorporated territory 1138
of the township, or lying adjacent to the property of a school 1139
that is operated by such county board, that includes a crosswalk 1140
customarily used by children going to or leaving a school during 1141
recess and opening and closing hours, whenever the distance, as 1142
measured in a straight line, from the school property line 1143
nearest the crosswalk to the nearest point of the crosswalk is 1144
no more than one thousand three hundred twenty feet. Such a 1145

school zone shall include the distance encompassed by the 1146
crosswalk and extending three hundred feet on each approach 1147
direction of the state route. 1148

(e) As used in this section, "special elementary school" 1149
means a school that meets all of the following criteria: 1150

(i) It is not chartered and does not receive tax revenue 1151
from any source. 1152

(ii) It does not educate children beyond the eighth grade. 1153

(iii) It is located outside the limits of a municipal 1154
corporation. 1155

(iv) A majority of the total number of students enrolled 1156
at the school are not related by blood. 1157

(v) The principal or other person in charge of the special 1158
elementary school annually sends a report to the superintendent 1159
of the school district in which the special elementary school is 1160
located indicating the total number of students enrolled at the 1161
school, but otherwise the principal or other person in charge 1162
does not report any other information or data to the 1163
superintendent. 1164

(2) Twenty-five miles per hour in all other portions of a 1165
municipal corporation, except on state routes outside business 1166
districts, through highways outside business districts, and 1167
alleys; 1168

(3) Thirty-five miles per hour on all state routes or 1169
through highways within municipal corporations outside business 1170
districts, except as provided in divisions (B) (4) and (6) of 1171
this section; 1172

(4) Fifty miles per hour on controlled-access highways and 1173

expressways within municipal corporations;	1174
(5) Fifty-five miles per hour on highways outside	1175
municipal corporations, other than highways within island	1176
jurisdictions as provided in division (B)(8) of this section,	1177
highways as provided in division (B)(9) of this section, and	1178
highways, expressways, and freeways as provided in divisions (B)	1179
(12), (13), (14), and (16) of this section;	1180
(6) Fifty miles per hour on state routes within municipal	1181
corporations outside urban districts unless a lower prima-facie	1182
speed is established as further provided in this section;	1183
(7) Fifteen miles per hour on all alleys within the	1184
municipal corporation;	1185
(8) Thirty-five miles per hour on highways outside	1186
municipal corporations that are within an island jurisdiction;	1187
(9) Sixty miles per hour on two-lane state routes outside	1188
municipal corporations as established by the director under	1189
division (H)(2) of this section.	1190
(10) Fifty-five miles per hour at all times on freeways	1191
with paved shoulders inside municipal corporations, other than	1192
freeways as provided in divisions (B)(14) and (16) of this	1193
section;	1194
(11) Fifty-five miles per hour at all times on freeways	1195
outside municipal corporations, other than freeways as provided	1196
in divisions (B)(14) and (16) of this section;	1197
(12) Sixty miles per hour for operators of any motor	1198
vehicle at all times on all portions of rural divided highways;	1199
(13) Sixty-five miles per hour for operators of any motor	1200
vehicle at all times on all rural expressways without traffic	1201

control signals; 1202

(14) Seventy miles per hour for operators of any motor 1203
vehicle at all times on all rural freeways; 1204

(15) Fifty-five miles per hour for operators of any motor 1205
vehicle at all times on all portions of freeways in congested 1206
areas as determined by the director and that are part of the 1207
interstate system and are located within a municipal corporation 1208
or within an interstate freeway outerbelt; 1209

(16) Sixty-five miles per hour for operators of any motor 1210
vehicle at all times on all portions of freeways in urban areas 1211
as determined by the director and that are part of the 1212
interstate system and are part of an interstate freeway 1213
outerbelt. 1214

(C) It is prima-facie unlawful for any person to exceed 1215
any of the speed limitations in divisions (B) (1) (a), (2), (3), 1216
(4), (6), (7), and (8) of this section, or any declared or 1217
established pursuant to this section by the director or local 1218
authorities and it is unlawful for any person to exceed any of 1219
the speed limitations in division (D) of this section. No person 1220
shall be convicted of more than one violation of this section 1221
for the same conduct, although violations of more than one 1222
provision of this section may be charged in the alternative in a 1223
single affidavit. 1224

(D) No person shall operate a motor vehicle, trackless 1225
trolley, or streetcar upon a street or highway as follows: 1226

(1) At a speed exceeding fifty-five miles per hour, except 1227
upon a two-lane state route as provided in division (B) (9) of 1228
this section and upon a highway, expressway, or freeway as 1229
provided in divisions (B) (12), (13), (14), and (16) of this 1230

section; 1231

(2) At a speed exceeding sixty miles per hour upon a two-lane state route as provided in division (B) (9) of this section and upon a highway as provided in division (B) (12) of this section; 1232
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(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in division (B) (13) or upon a freeway as provided in division (B) (16) of this section, except upon a freeway as provided in division (B) (14) of this section; 1236
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(4) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B) (14) of this section; 1240
1241

(5) At a speed exceeding the posted speed limit upon a highway, expressway, or freeway for which the director has determined and declared a speed limit pursuant to division (I) (2) or (L) (2) of this section. 1242
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(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 ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven. 1246
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(F) When a speed in excess of both a prima-facie limitation and a limitation in division (D) of this section is 1258
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alleged, the defendant shall be charged in a single affidavit, 1260
alleging a single act, with a violation indicated of both 1261
division (B) (1) (a), (2), (3), (4), (6), (7), or (8) of this 1262
section, or of a limit declared or established pursuant to this 1263
section by the director or local authorities, and of the 1264
limitation in division (D) of this section. If the court finds a 1265
violation of division (B) (1) (a), (2), (3), (4), (6), (7), or (8) 1266
of, or a limit declared or established pursuant to, this section 1267
has occurred, it shall enter a judgment of conviction under such 1268
division and dismiss the charge under division (D) of this 1269
section. If it finds no violation of division (B) (1) (a), (2), 1270
(3), (4), (6), (7), or (8) of, or a limit declared or 1271
established pursuant to, this section, it shall then consider 1272
whether the evidence supports a conviction under division (D) of 1273
this section. 1274

(G) Points shall be assessed for violation of a limitation 1275
under division (D) of this section in accordance with section 1276
4510.036 of the Revised Code. 1277

(H) (1) Whenever the director determines upon the basis of 1278
a geometric and traffic characteristic study that any speed 1279
limit set forth in divisions (B) (1) (a) to (D) of this section is 1280
greater or less than is reasonable or safe under the conditions 1281
found to exist at any portion of a street or highway under the 1282
jurisdiction of the director, the director shall determine and 1283
declare a reasonable and safe prima-facie speed limit, which 1284
shall be effective when appropriate signs giving notice of it 1285
are erected at the location. 1286

(2) Whenever the director determines upon the basis of a 1287
geometric and traffic characteristic study that the speed limit 1288
of fifty-five miles per hour on a two-lane state route outside a 1289

municipal corporation is less than is reasonable or safe under 1290
the conditions found to exist at that portion of the state 1291
route, the director may determine and declare a speed limit of 1292
sixty miles per hour for that portion of the state route, which 1293
shall be effective when appropriate signs giving notice of it 1294
are erected at the location. 1295

(I) (1) Except as provided in divisions (I) (2) and (K) of 1296
this section, whenever local authorities determine upon the 1297
basis of an engineering and traffic investigation that the speed 1298
permitted by divisions (B) (1) (a) to (D) of this section, on any 1299
part of a highway under their jurisdiction, is greater than is 1300
reasonable and safe under the conditions found to exist at such 1301
location, the local authorities may by resolution request the 1302
director to determine and declare a reasonable and safe prima- 1303
facie speed limit. Upon receipt of such request the director may 1304
determine and declare a reasonable and safe prima-facie speed 1305
limit at such location, and if the director does so, then such 1306
declared speed limit shall become effective only when 1307
appropriate signs giving notice thereof are erected at such 1308
location by the local authorities. The director may withdraw the 1309
declaration of a prima-facie speed limit whenever in the 1310
director's opinion the altered prima-facie speed becomes 1311
unreasonable. Upon such withdrawal, the declared prima-facie 1312
speed shall become ineffective and the signs relating thereto 1313
shall be immediately removed by the local authorities. 1314

(2) A local authority may determine on the basis of a 1315
geometric and traffic characteristic study that the speed limit 1316
of sixty-five miles per hour on a portion of a freeway under its 1317
jurisdiction that was established through the operation of 1318
division (L) (3) of this section is greater than is reasonable or 1319
safe under the conditions found to exist at that portion of the 1320

freeway. If the local authority makes such a determination, the 1321
local authority by resolution may request the director to 1322
determine and declare a reasonable and safe speed limit of not 1323
less than fifty-five miles per hour for that portion of the 1324
freeway. If the director takes such action, the declared speed 1325
limit becomes effective only when appropriate signs giving 1326
notice of it are erected at such location by the local 1327
authority. 1328

(J) Local authorities in their respective jurisdictions 1329
may authorize by ordinance higher prima-facie speeds than those 1330
stated in this section upon through highways, or upon highways 1331
or portions thereof where there are no intersections, or between 1332
widely spaced intersections, provided signs are erected giving 1333
notice of the authorized speed, but local authorities shall not 1334
modify or alter the basic rule set forth in division (A) of this 1335
section or in any event authorize by ordinance a speed in excess 1336
of fifty miles per hour. 1337

Alteration of prima-facie limits on state routes by local 1338
authorities shall not be effective until the alteration has been 1339
approved by the director. The director may withdraw approval of 1340
any altered prima-facie speed limits whenever in the director's 1341
opinion any altered prima-facie speed becomes unreasonable, and 1342
upon such withdrawal, the altered prima-facie speed shall become 1343
ineffective and the signs relating thereto shall be immediately 1344
removed by the local authorities. 1345

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 1346
this section, "unimproved highway" means a highway consisting of 1347
any of the following: 1348

(a) Unimproved earth; 1349

(b) Unimproved graded and drained earth;	1350
(c) Gravel.	1351
(2) Except as otherwise provided in divisions (K) (4) and	1352
(5) of this section, whenever a board of township trustees	1353
determines upon the basis of an engineering and traffic	1354
investigation that the speed permitted by division (B) (5) of	1355
this section on any part of an unimproved highway under its	1356
jurisdiction and in the unincorporated territory of the township	1357
is greater than is reasonable or safe under the conditions found	1358
to exist at the location, the board may by resolution declare a	1359
reasonable and safe prima-facie speed limit of fifty-five but	1360
not less than twenty-five miles per hour. An altered speed limit	1361
adopted by a board of township trustees under this division	1362
becomes effective when appropriate traffic control devices, as	1363
prescribed in section 4511.11 of the Revised Code, giving notice	1364
thereof are erected at the location, which shall be no sooner	1365
than sixty days after adoption of the resolution.	1366
(3) (a) Whenever, in the opinion of a board of township	1367
trustees, any altered prima-facie speed limit established by the	1368
board under this division becomes unreasonable, the board may	1369
adopt a resolution withdrawing the altered prima-facie speed	1370
limit. Upon the adoption of such a resolution, the altered	1371
prima-facie speed limit becomes ineffective and the traffic	1372
control devices relating thereto shall be immediately removed.	1373
(b) Whenever a highway ceases to be an unimproved highway	1374
and the board has adopted an altered prima-facie speed limit	1375
pursuant to division (K) (2) of this section, the board shall, by	1376
resolution, withdraw the altered prima-facie speed limit as soon	1377
as the highway ceases to be unimproved. Upon the adoption of	1378
such a resolution, the altered prima-facie speed limit becomes	1379

ineffective and the traffic control devices relating thereto 1380
shall be immediately removed. 1381

(4) (a) If the boundary of two townships rests on the 1382
centerline of an unimproved highway in unincorporated territory 1383
and both townships have jurisdiction over the highway, neither 1384
of the boards of township trustees of such townships may declare 1385
an altered prima-facie speed limit pursuant to division (K) (2) 1386
of this section on the part of the highway under their joint 1387
jurisdiction unless the boards of township trustees of both of 1388
the townships determine, upon the basis of an engineering and 1389
traffic investigation, that the speed permitted by division (B) 1390
(5) of this section is greater than is reasonable or safe under 1391
the conditions found to exist at the location and both boards 1392
agree upon a reasonable and safe prima-facie speed limit of less 1393
than fifty-five but not less than twenty-five miles per hour for 1394
that location. If both boards so agree, each shall follow the 1395
procedure specified in division (K) (2) of this section for 1396
altering the prima-facie speed limit on the highway. Except as 1397
otherwise provided in division (K) (4) (b) of this section, no 1398
speed limit altered pursuant to division (K) (4) (a) of this 1399
section may be withdrawn unless the boards of township trustees 1400
of both townships determine that the altered prima-facie speed 1401
limit previously adopted becomes unreasonable and each board 1402
adopts a resolution withdrawing the altered prima-facie speed 1403
limit pursuant to the procedure specified in division (K) (3) (a) 1404
of this section. 1405

(b) Whenever a highway described in division (K) (4) (a) of 1406
this section ceases to be an unimproved highway and two boards 1407
of township trustees have adopted an altered prima-facie speed 1408
limit pursuant to division (K) (4) (a) of this section, both 1409
boards shall, by resolution, withdraw the altered prima-facie 1410

speed limit as soon as the highway ceases to be unimproved. Upon 1411
the adoption of the resolution, the altered prima-facie speed 1412
limit becomes ineffective and the traffic control devices 1413
relating thereto shall be immediately removed. 1414

(5) As used in division (K) (5) of this section: 1415

(a) "Commercial subdivision" means any platted territory 1416
outside the limits of a municipal corporation and fronting a 1417
highway where, for a distance of three hundred feet or more, the 1418
frontage is improved with buildings in use for commercial 1419
purposes, or where the entire length of the highway is less than 1420
three hundred feet long and the frontage is improved with 1421
buildings in use for commercial purposes. 1422

(b) "Residential subdivision" means any platted territory 1423
outside the limits of a municipal corporation and fronting a 1424
highway, where, for a distance of three hundred feet or more, 1425
the frontage is improved with residences or residences and 1426
buildings in use for business, or where the entire length of the 1427
highway is less than three hundred feet long and the frontage is 1428
improved with residences or residences and buildings in use for 1429
business. 1430

Whenever a board of township trustees finds upon the basis 1431
of an engineering and traffic investigation that the prima-facie 1432
speed permitted by division (B) (5) of this section on any part 1433
of a highway under its jurisdiction that is located in a 1434
commercial or residential subdivision, except on highways or 1435
portions thereof at the entrances to which vehicular traffic 1436
from the majority of intersecting highways is required to yield 1437
the right-of-way to vehicles on such highways in obedience to 1438
stop or yield signs or traffic control signals, is greater than 1439
is reasonable and safe under the conditions found to exist at 1440

the location, the board may by resolution declare a reasonable 1441
and safe prima-facie speed limit of less than fifty-five but not 1442
less than twenty-five miles per hour at the location. An altered 1443
speed limit adopted by a board of township trustees under this 1444
division shall become effective when appropriate signs giving 1445
notice thereof are erected at the location by the township. 1446
Whenever, in the opinion of a board of township trustees, any 1447
altered prima-facie speed limit established by it under this 1448
division becomes unreasonable, it may adopt a resolution 1449
withdrawing the altered prima-facie speed, and upon such 1450
withdrawal, the altered prima-facie speed shall become 1451
ineffective, and the signs relating thereto shall be immediately 1452
removed by the township. 1453

(L) (1) ~~On the effective date of this amendment~~ September 1454
29, 2013, the director of transportation, based upon an 1455
engineering study of a highway, expressway, or freeway described 1456
in division (B) (12), (13), (14), (15), or (16) of this section, 1457
in consultation with the director of public safety and, if 1458
applicable, the local authority having jurisdiction over the 1459
studied highway, expressway, or freeway, may determine and 1460
declare that the speed limit established on such highway, 1461
expressway, or freeway under division (B) (12), (13), (14), (15), 1462
or (16) of this section either is reasonable and safe or is more 1463
or less than that which is reasonable and safe. 1464

(2) If the established speed limit for a highway, 1465
expressway, or freeway studied pursuant to division (L) (1) of 1466
this section is determined to be more or less than that which is 1467
reasonable and safe, the director of transportation, in 1468
consultation with the director of public safety and, if 1469
applicable, the local authority having jurisdiction over the 1470
studied highway, expressway, or freeway, shall determine and 1471

declare a reasonable and safe speed limit for that highway, 1472
expressway, or freeway. 1473

~~(N)~~ (M) (1) (a) If the boundary of two local authorities 1474
rests on the centerline of a highway and both authorities have 1475
jurisdiction over the highway, the speed limit for the part of 1476
the highway within their joint jurisdiction shall be either one 1477
of the following as agreed to by both authorities: 1478

(i) Either prima-facie speed limit permitted by division 1479
(B) of this section; 1480

(ii) An altered speed limit determined and posted in 1481
accordance with this section. 1482

(b) If the local authorities are unable to reach an 1483
agreement, the speed limit shall remain as established and 1484
posted under this section. 1485

(2) Neither local authority may declare an altered prima- 1486
facie speed limit pursuant to this section on the part of the 1487
highway under their joint jurisdiction unless both of the local 1488
authorities determine, upon the basis of an engineering and 1489
traffic investigation, that the speed permitted by this section 1490
is greater than is reasonable or safe under the conditions found 1491
to exist at the location and both authorities agree upon a 1492
uniform reasonable and safe prima-facie speed limit of less than 1493
fifty-five but not less than twenty-five miles per hour for that 1494
location. If both authorities so agree, each shall follow the 1495
procedure specified in this section for altering the prima-facie 1496
speed limit on the highway, and the speed limit for the part of 1497
the highway within their joint jurisdiction shall be uniformly 1498
altered. No altered speed limit may be withdrawn unless both 1499
local authorities determine that the altered prima-facie speed 1500

limit previously adopted becomes unreasonable and each adopts a 1501
resolution withdrawing the altered prima-facie speed limit 1502
pursuant to the procedure specified in this section. 1503

~~(P)~~(N) As used in this section: 1504

(1) "Interstate system" has the same meaning as in 23 1505
U.S.C.A. 101. 1506

(2) "Commercial bus" means a motor vehicle designed for 1507
carrying more than nine passengers and used for the 1508
transportation of persons for compensation. 1509

(3) "Noncommercial bus" includes but is not limited to a 1510
school bus or a motor vehicle operated solely for the 1511
transportation of persons associated with a charitable or 1512
nonprofit organization. 1513

(4) "Outerbelt" means a portion of a freeway that is part 1514
of the interstate system and is located in the outer vicinity of 1515
a major municipal corporation or group of municipal 1516
corporations, as designated by the director. 1517

(5) "Rural" means outside urbanized areas, as designated 1518
in accordance with 23 U.S.C. 101, and outside of a business or 1519
urban district. 1520

~~(P)~~(O) (1) A violation of any provision of this section is 1521
one of the following: 1522

(a) Except as otherwise provided in divisions ~~(P)~~(O) (1) 1523
(b), (1)(c), (2), and (3) of this section, a minor misdemeanor; 1524

(b) If, within one year of the offense, the offender 1525
previously has been convicted of or pleaded guilty to two 1526
violations of any provision of this section or of any provision 1527
of a municipal ordinance that is substantially similar to any 1528

provision of this section, a misdemeanor of the fourth degree; 1529

(c) If, within one year of the offense, the offender 1530
previously has been convicted of or pleaded guilty to three or 1531
more violations of any provision of this section or of any 1532
provision of a municipal ordinance that is substantially similar 1533
to any provision of this section, a misdemeanor of the third 1534
degree. 1535

(2) If the offender ~~has not previously been convicted of~~ 1536
~~or pleaded guilty to a violation of any provision of this~~ 1537
~~section or of any provision of a municipal ordinance that is~~ 1538
~~substantially similar to this section and~~ operated a motor 1539
vehicle faster than thirty-five miles an hour in a business 1540
district of a municipal corporation, faster than fifty miles an 1541
hour in other portions of a municipal corporation, or faster 1542
than thirty-five miles an hour in a school zone during recess or 1543
while children are going to or leaving school during the 1544
school's opening or closing hours, a misdemeanor of the fourth 1545
degree. 1546

(3) Notwithstanding division ~~(P)~~(O) (1) of this section, if 1547
the offender operated a motor vehicle in a construction zone 1548
where a sign was then posted in accordance with section 4511.98 1549
of the Revised Code, the court, in addition to all other 1550
penalties provided by law, shall impose upon the offender a fine 1551
of two times the usual amount imposed for the violation. No 1552
court shall impose a fine of two times the usual amount imposed 1553
for the violation upon an offender if the offender alleges, in 1554
an affidavit filed with the court prior to the offender's 1555
sentencing, that the offender is indigent and is unable to pay 1556
the fine imposed pursuant to this division and if the court 1557
determines that the offender is an indigent person and unable to 1558

pay the fine. 1559

Section 2. That existing sections 2929.14, 4506.01, 1560
4510.04, and 4511.21 of the Revised Code are hereby repealed. 1561