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Bill Analysis
Legislative Service Commission

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Sens. Grendell, Jacobson

BILL SUMMARY

- Provides that, if a person alleges to a law enforcement officer that the person observed a motor vehicle operator committing a moving violation within the officer's jurisdiction and also alleges that, prior to committing the violation, the operator committed a "road rage incident" (as defined in the bill): (1) the officer must investigate the moving violation and road rage incident, (2) if, after the investigation, the officer has reasonable cause to believe that the operator committed the moving violation and the prior road rage incident, the law enforcement officer may stop or pursue and detain the operator and issue a ticket, citation, or summons for the violation, or stop or pursue and arrest and detain the operator until an arrest warrant can be obtained or, if the operator is outside the officer's jurisdiction, obtain an arrest warrant or a summons, and (3) if the officer issues a ticket, citation, or summons, the officer must indicate on it that, prior to committing the moving violation, the operator also committed a road rage incident and the operator must appear in person in court to answer the charge, and if the officer arrests the operator, Traffic Rule 13 does not apply and the document charging the moving violation must specify that, prior to committing it, the operator also committed a road rage incident.
- Provides that, if a motor vehicle operator is convicted of a moving violation and a road rage specification (i.e., the violation was subsequent to a road rage incident), the following sanctions apply: (1) if the moving violation is a minor misdemeanor, the moving violation with the specification is a misdemeanor of the fourth degree and, in addition to and independent of other sanctions, the court must fine the operator for the specification not less than \$100 and may fine the operator not more than \$250 for the moving violation, (2) if the moving violation is a misdemeanor of the fourth degree or an offense of any higher degree, in

addition to and independent of other sanctions, the court must fine the operator not less than \$100 for the specification and may fine the operator for the moving violation any amount not in excess of the maximum amount specified by law for the moving violation, and (3) in all cases, in addition to other sanctions, the court must impose as a community control sanction a requirement that the operator attend and successfully complete a "road rage abatement seminar" formulated by the Department of Public Safety and that includes specified content.

- Provides that any course of remedial driving instruction the Director of Public Safety approves under an existing law regarding assessment of "points" against an offender convicted of specified traffic-related offenses, or under an existing law regarding reinstatement of driving privileges for a person whose driver's license or permit is suspended or who is granted limited driving privileges under the "points" law, for a state OVUAC conviction, or under R.C. 4510.07 for a conviction of a municipal ordinance violation substantially equivalent to state OVUAC, must require its students to attend the course in its entirety in person and cannot permit its students to take any portion of the course in any other manner, including via video teleconferencing or the Internet.

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CONTENT AND OPERATION

Commission of a moving violation subsequent to a road rage incident

The bill enacts special rules, procedures, and penalties that apply when an operator of a motor vehicle commits a moving violation subsequent to committing a road rage incident.

Allegation that a person committed a moving violation and previously committed a road rage incident--law enforcement officer's investigation and other actions

The bill provides that, when any person alleges to a law enforcement officer with authority to enforce the provisions of the Revised Code that constitute "moving violations" (see "*Definitions enacted in the bill*," below) that the person has observed the "operator" (see **COMMENT 1** for a definition) of a "motor vehicle" (see **COMMENT 1** for a definition) committing a moving violation within the officer's territorial jurisdiction and also alleges that, prior to committing the moving violation, the motor vehicle operator committed a "road rage incident" (see "*Definitions enacted in the bill*," below), the law enforcement officer must investigate the alleged moving violation and road rage incident.

If, after the investigation described in the preceding paragraph but not later than ten days after the date of the moving violation, the law enforcement officer has reasonable cause to believe that the motor vehicle operator committed the moving violation and that, prior to committing the moving violation, the motor vehicle operator also committed a road rage incident, the law enforcement officer may do any of the following: (1) if the motor vehicle operator is within the officer's territorial jurisdiction, stop or pursue and detain the operator and issue the operator a ticket, citation, or summons for the moving violation, or stop or pursue and arrest and detain the operator until an arrest warrant can be obtained, or (2) if the motor vehicle operator is outside the limits of the officer's territorial jurisdiction, obtain an arrest warrant or a summons pursuant to Criminal Rule 4 (see **COMMENT 2**) for the operator. (R.C. 4511.86(B).)

Notation on a document charging a moving violation that the person charged also committed a road rage incident; effect of notation

Whenever a law enforcement officer issues a ticket, citation, or summons to a motor vehicle operator under the provision described in the preceding paragraph, the officer must indicate on the ticket, citation, or summons that, prior to the operator's committing the moving violation, the operator also committed a "road rage incident." If the officer makes such an indication on the ticket, citation, or summons, then notwithstanding Traffic Rule 13 (see **COMMENT 3**), the operator

is not permitted to enter a written plea of guilty and waive the operator's right to contest the ticket, citation, or summons in a trial but instead must appear in person in the proper court to answer the charge. Whenever a law enforcement officer arrests a motor vehicle operator under the provision described in the preceding paragraph for a moving violation, Traffic Rule 13 does not apply and the indictment, count in the indictment, or information charging the moving violation also must specify that, prior to committing the moving violation, the motor vehicle operator also committed a road rage incident. (R.C. 4511.86(C).)

Conviction of road rage specification, and resulting sanctions

If the motor vehicle operator pleads guilty to or is convicted of the moving violation and if the trier of fact finds beyond a reasonable doubt that, prior to committing the moving violation, the motor vehicle operator also committed a "road rage incident," the operator is guilty of the moving violation with a road rage specification. If the moving violation is a minor misdemeanor without such a specification, the moving violation with such a specification is a misdemeanor of the fourth degree and, in addition to and independent of the sanctions the court is permitted or required by law to impose, the court must fine the operator for the specification not less than \$100 and may fine the operator not more than \$250 for the moving violation. If the moving violation is a misdemeanor of the fourth degree without such a specification or an offense of any higher degree, in addition to and independent of the sanctions the court is permitted or required by law to impose, the court must fine the operator not less than \$100 for the specification and may fine the operator for the moving violation any amount not in excess of the maximum amount specified in the Revised Code for the moving violation.

In addition to any other sanctions the court is permitted or required by law to impose for the moving violation, including any jail term or prison term, in all cases in which a motor vehicle operator pleads guilty to or is convicted of a moving violation with a road rage specification, the court must impose as a community control sanction a requirement that the operator attend and successfully complete a road rage abatement seminar described in a provision enacted in the bill (see "**Road rage abatement seminar**," below). The court must require the operator to pay any applicable seminar fee established by the Department of Public Safety unless the court finds that the operator is indigent and unable to pay the fee. If the operator fails to successfully complete the seminar, the court is required to treat the failure as a violation of a community control sanction and must impose on the operator a definite jail term of not less than three but not more than 30 days. (R.C. 4511.86(D).)

Definitions enacted in the bill

The bill enacts the following definitions that apply to its "road rage" provisions described above (R.C. 4511.86(A)):

(1) "Moving violation" means a violation of the Revised Code for which points are assessed against a person's driver's license pursuant to R.C. 4510.036 (see **COMMENT 4**) or any violation of R.C. 4511.21 (see **COMMENT 5**).

(2) "Road rage incident" means an interaction between an operator's motor vehicle and another motor vehicle or a pedestrian, irrespective of whether there is actual physical contact between the motor vehicles or between the motor vehicle and the pedestrian, that is inconsistent with usual, ordinary, and legal motor vehicle operation and that is committed by that motor vehicle operator toward the other motor vehicle or the pedestrian.

Road rage abatement seminar

The bill requires the Department of Public Safety to formulate a "road rage abatement seminar" to be used under the bill's "road rage" provisions described above. The seminar must be four hours in length and consist of instruction in ways to recognize the actions or circumstances that may lead to dangerous interaction between the operator or passenger of one motor vehicle and the operator or passenger of another motor vehicle or a pedestrian, which interaction results from anger, impatience, or a perceived or actual lack of consideration or respect between these persons, and in ways to avoid becoming involved in incidents involving such dangerous interaction. One hour of the seminar must be devoted to anger management and be given by a licensed psychologist or some other person trained in anger management who meets the requirements of the Department. The Department, in accordance with the Administrative Procedure Act, must adopt rules governing the remaining content of the seminar and the approval of seminar instructors and may establish a seminar fee not exceeding \$50. If a person who is required to complete an anger management abatement seminar fails to do so successfully, the instructor is required to inform the court that ordered the person to attend the seminar in writing of that fact. (R.C. 4511.861.)

In-person attendance at remedial driving instruction course under the law regarding assessment of "points" against an offender convicted of specified traffic-related offenses

Existing law

Existing law provides a mechanism (R.C. 4510.03 to 4510.038) pursuant to which convictions of specified traffic-related offenses or municipal ordinance

violations result in the assessment of "points" against the offender and, if the cumulative total of points assessed attain a specified number, the suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege. The offenses and ordinance violations for which points are assessed against a convicted offender, and the number of points assessed, are set forth in **COMMENT 4**. Under existing R.C. 4510.037(A) and (B), when the Registrar of the BMV determines that the total points charged against any person exceed five, the Registrar must send a warning letter to the person at the person's last known address. The warning letter must list the reported violations that are the basis of the points charged and the number of points charged for each violation, and outline the suspension provisions of the law. When the Registrar determines that the total points charged against any person within any two-year period beginning on the date of the first conviction within the two-year period equals 12 or more, the Registrar must send a written notice to the person at the person's last known address. The notice must list the reported violations that are the basis of the points charged and the number of points charged for each violation, and state that, because the total number of points charged within the applicable two-year period equals 12 or more, the Registrar is imposing a Class D suspension of the person's driver's or commercial driver's license or permit or nonresident operating privileges (under R.C. 4510.02(B)(4), not in the bill, a Class D license suspension is for six months). The notice also must state when the suspension is effective, as provided by law, and describe the process for an appeal.

Existing R.C. 4510.037(C) provides that any person against whom at least two but less than 12 points have been charged may enroll in *a course of remedial driving instruction approved by the Director of Public Safety*. Upon the person's completion of the approved course, the person may apply to the Registrar for a credit of two points on the person's driving record. Upon receipt of the application and proof of completion of the approved remedial driving course, the Registrar must approve the two-point credit. The Registrar cannot approve any credits for a person who completes an approved course of remedial driving instruction pursuant to a judge's order under R.C. 4510.02. In any three-year period, the Registrar may approve only one two-point credit on a person's driving record, and the Registrar may approve not more than five two-point credits on a person's driving record during that person's lifetime.

Operation of the bill

The bill provides that any course of remedial driving instruction the Director of Public Safety approves under the provisions described above under "**Existing law**" must require its students to attend the course in its entirety in person. The bill prohibits the Director from approving any course of remedial driving instruction that permits its students to take any portion of the course in any



other manner, including via video teleconferencing or the Internet. (R.C. 4510.037(L).)

In-person attendance at remedial driving instruction course required for retention or reinstatement of license suspended in specified circumstances

Existing law

Existing R.C. 4510.038 provides that any person whose driver's or commercial driver's license or permit is suspended or who is granted limited driving privileges under R.C. 4510.037 (the suspension provided for "points," as described above), under division (H) of R.C. 4511.19 (the suspension provided for a person convicted of the offense of "state OVUAC" under R.C. 4511.19(B)), or under R.C. 4510.07 for a violation of a municipal ordinance that is substantially equivalent to state OVUAC is not eligible to retain the license, or to have the driving privileges reinstated, until each of the following has occurred: (1) the person successfully completes *a course of remedial driving instruction approved by the Director of Public Safety* (see the next paragraph), (2) the person is examined in the manner provided for in R.C. 4507.20 and found by the Registrar of the BMV to be qualified to operate a motor vehicle, and (3) the person gives and maintains proof of financial responsibility, in accordance with R.C. 4509.45.

Existing law specifies that a minimum of 25% of the number of hours of instruction included in the remedial driving instruction course must be devoted to instruction on driver attitude. The course also must devote a number of hours to instruction in the area of alcohol and drugs and the operation of vehicles, including, but not limited to, a review of the laws governing the operation of a vehicle while under the influence of alcohol, drugs, or a combination of them, the dangers of operating a vehicle while under the influence of alcohol, drugs, or a combination of them, and other information relating to the operation of vehicles and the consumption of alcoholic beverages and use of drugs. The Director of Public Safety, in consultation with the Director of Alcohol and Drug Addiction Services, must prescribe the content of the instruction. The number of hours devoted to the area of alcohol and drugs and the operation of vehicles must comprise a minimum of 25% of the number of hours of instruction included in the course.

Operation of the bill

The bill provides that any course of remedial driving instruction the Director of Public Safety approves under the provisions described above under "**Existing law**" must require its students to attend the course in its entirety in person. The bill prohibits the Director from approving any course of remedial driving instruction that permits its students to take any portion of the course in any



other manner, including via video teleconferencing or the Internet. (R.C. 4510.038(B).)

COMMENT

1. Existing R.C. 4511.01, not in the bill, defines terms that apply throughout R.C. Chapter 4511. and, thus, to the bill's provisions. The relevant terms, and their definitions, include:

(a) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural, and vegetable products, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(b) "Operator" or "driver" means every person who drives or is in actual physical control of a vehicle, streetcar, or trackless trolley.

(c) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

2. The Rules of Criminal Procedure prescribe the procedure that generally must be followed in all Ohio courts in the exercise of criminal jurisdiction. Criminal Rule 4 provides rules that govern the issuance of arrest warrants, summons, and citations pertaining to a person who has committed a criminal offense. Regarding the issuance of arrest warrants or summons, it provides that:

(A) Issuance.

(1) Upon complaint. If it appears from the complaint, or from an affidavit or affidavits filed with the complaint, that there is probable cause to believe that an offense has been committed, and that the defendant has committed it, a warrant for the arrest of the defendant, or a summons in lieu of a warrant, shall be issued by a judge, magistrate, clerk of court, or officer of the court designated by the judge, to any law enforcement officer authorized by law to execute or serve it.

The finding of probable cause may be based upon hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished. Before ruling on a request for a warrant, the issuing authority may require the complainant to appear personally and may examine under oath the complainant and any witnesses. The testimony shall be admissible at a hearing on a motion to suppress, if it was taken down by a court reporter or recording equipment.

The issuing authority shall issue a summons instead of a warrant upon the request of the prosecuting attorney, or when issuance of a summons appears reasonably calculated to ensure the defendant's appearance.

(2) By law enforcement officer with warrant. In misdemeanor cases where a warrant has been issued to a law enforcement officer, the officer, unless the issuing authority includes a prohibition against it in the warrant, may issue a summons in lieu of executing the warrant by arrest, when issuance of a summons appears reasonably calculated to ensure the defendant's appearance. The officer issuing the summons shall note on the warrant and the return that the warrant was executed by issuing summons, and shall also note the time and place the defendant shall appear. No alias warrant shall be issued unless the defendant fails to appear in response to the summons, or unless

subsequent to the issuance of summons it appears improbable that the defendant will appear in response to the summons.

(3) By law enforcement officer without a warrant. In misdemeanor cases where a law enforcement officer is empowered to arrest without a warrant, the officer may issue a summons in lieu of making an arrest, when issuance of a summons appears reasonably calculated to assure the defendant's appearance. The officer issuing the summons shall file, or cause to be filed, a complaint describing the offense. No warrant shall be issued unless the defendant fails to appear in response to the summons, or unless subsequent to the issuance of summons it appears improbable that the defendant will appear in response to the summons.

(B) **Multiple issuance; sanction.** -- More than one warrant or summons may issue on the same complaint. If the defendant fails to appear in response to summons, a warrant or alias warrant shall issue.

(C) **Warrant and summons: form.**

(1) Warrant. The warrant shall contain the name of the defendant or, if that is unknown, any name or description by which the defendant can be identified with reasonable certainty, a description of the offense charged in the complaint, whether the warrant is being issued before the defendant has appeared or was scheduled to appear, and the numerical designation of the applicable statute or ordinance. A copy of the complaint shall be attached to the warrant.

(a) If the warrant is issued after the defendant has made an initial appearance or has failed to appear at an initial appearance, the warrant shall command that the defendant be arrested and either of the following:

(i) That the defendant shall be required to post a sum of cash or secured bail bond with the condition that the defendant appear before the issuing court at a time and date certain;

(ii) That the defendant shall be held without bail until brought before the issuing court without unnecessary delay.

(b) If the warrant is issued before the defendant has appeared or is scheduled to appear, the warrant shall so indicate and the bail provisions of Crim. R. 46 shall apply.

(2) Summons. The summons shall be in the same form as the warrant, except that it shall not command that the defendant be arrested, but shall order the defendant to appear at a stated time and place and inform the defendant that he or she may be arrested if he or she fails to appear at the time and place stated in the summons. A copy of the complaint shall be attached to the summons, except where an officer issues summons in lieu of making an arrest without a warrant, or where an officer issues summons after arrest without a warrant.

3. Generally, provisions of the Ohio Traffic Rules allow for resolution of a charge of motor vehicle traffic offense without a formal appearance before a court. The Traffic Rules prescribe the procedure in all Ohio courts in "traffic cases." As used in the Rules, "traffic case" means any proceeding, other than a proceeding resulting from a felony indictment, that involves one or more violations of a law, ordinance, or regulation governing the operation and use of vehicles, conduct of pedestrians in relation to vehicles, or weight, dimension, loads or equipment, or vehicles drawn or moved on highways or bridges, but it does not include any proceeding that results in a felony indictment (Traffic Rules 1 and 2).

Under Traffic Rule 13, all "traffic offenses" except those listed in clauses (a) to (i) of this paragraph may be disposed of by a Traffic Violations Bureau (note that the Rules do not define "traffic offenses," but do define "traffic cases," as described in the preceding paragraph). The following "traffic offenses" cannot be processed by a Traffic Violations Bureau: (a) indictable offenses, (b) operating a motor vehicle while under the influence of alcohol or any drug of abuse, (c) leaving the scene of an accident, (d) driving while under suspension or revocation of a driver's or commercial driver's license, (e) driving without being licensed to drive, except where the driver's or commercial driver's license had been expired for six months or less, (f) a third moving traffic offense within a 12-month period, (g) failure to stop and remain standing upon meeting or overtaking a school bus stopped on the highway for the purpose of receiving or discharging a school child, (h) willfully eluding or fleeing a police officer, and (i) drag racing.

4. Currently, under the state's "points" mechanism, a court in which a person is convicted of or pleads guilty to any of the following traffic-related offenses or municipal ordinance violations must assess the following "points" for the offense or violation, based on the following formula (R.C. 4510.036(C)(1) to (13), not in the bill): (a) for aggravated vehicular homicide, vehicular homicide, vehicular manslaughter, aggravated vehicular assault, or vehicular assault when the offense involves the operation of a vehicle, streetcar, or trackless trolley on a highway or street, six points, (b) for a violation of R.C. 2921.331 or any ordinance prohibiting the willful fleeing or eluding of a law enforcement officer, six points, (c) for a violation of R.C. 4549.02 or 4549.021 or any ordinance requiring the driver of a vehicle to stop and disclose identity at the scene of an accident, six points, (d) for a violation of R.C. 4511.251 or any ordinance prohibiting street racing, six points, (e) for a violation of R.C. 4510.11, 4510.14, 4510.16, or 4510.21 or any ordinance prohibiting the operation of a motor vehicle while the driver's or commercial driver's license is under suspension, six points, (f) for state OVI under R.C. 4511.19(A), a violation of any ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them, or a violation of any ordinance substantially equivalent to state OVI prohibiting the operation of a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, six points, (g) for a violation of R.C. 2913.03 that does not involve an aircraft or motorboat or any ordinance prohibiting the operation of a vehicle without the consent of the owner, six points, (h) for any offense under Ohio's motor vehicle laws that is a felony, or any other felony in the commission of which a motor vehicle was used, six points, (i) for state OVUAC under R.C. 4511.19(B) or a violation of any ordinance substantially equivalent to state OVUAC prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine, four points, (j) for a violation of R.C. 4511.20 or any ordinance prohibiting the operation of a motor vehicle in willful or wanton disregard of the safety of persons or property, four points, (k) for a violation of any law or ordinance pertaining to speed, four points when the speed exceeds the lawful speed limit by 30 miles per hour or more, two points when the speed exceeds the lawful speed limit of 55 miles per hour or more by more than ten miles per hour, two points when the speed exceeds the lawful speed limit of less than 55 miles per hour by more than five miles per hour, and zero points when the speed does not exceed the amounts set forth in the first three clauses of (k), (l) for operating a motor vehicle in violation of a restriction imposed by the Registrar of Motor Vehicles, two points, and (m) for all other moving violations reported to the Registrar under the mechanism, two points.

5. Existing R.C. 4511.21, not in the bill, sets forth a series of speeding prohibitions, as follows:

(a) **General prohibition.** The general prohibition prohibits a person from operating a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, or driving a motor vehicle, trackless trolley, or streetcar in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(b) **Prima-facie lawful.** The section specifies that it is prima-facie lawful, in the absence of a lower limit declared by the Director of Transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(i) 20 miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are erected, subject to certain exceptions and special circumstances;

(ii) 25 miles per hour in all other portions of a municipal corporation, except on state routes outside business districts, through highways outside business districts, and alleys;

(iii) 35 miles per hour on all state routes or through highways within municipal corporations outside business districts, except as provided in (5)(b)(iv) and (vi), below;

(iv) 50 miles per hour on controlled-access highways and expressways within municipal corporations;

(v) 55 miles per hour on highways outside municipal corporations, other than highways within island jurisdictions and freeways as provided in (5)(b)(xiii), below;

(vi) 50 miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in R.C. 4511.21;

(vii) 15 miles per hour on all alleys within the municipal corporation;

(viii) 35 miles per hour on highways outside municipal corporations that are within an island jurisdiction;

(ix) 55 miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in (5)(b)(xiii), below;



(x) 55 miles per hour at all times on freeways outside municipal corporations, other than freeways as provided in (5)(b)(xiii), below;

(xi) 55 miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of 8,000 pounds empty weight and any noncommercial bus;

(xii) 55 miles per hour for operators of any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under R.C. 4511.21(L);

(xiii) 65 miles per hour for operators of any motor vehicle weighing 8,000 pounds or less empty weight and any commercial bus at all times on all portions of the following: freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995; freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under R.C. 4511.21(L); and rural, divided, multi-lane highways that are designated as part of the national highway system under the federal "National Highway System Designation Act of 1995," and that had such a speed limit established under R.C. 4511.21(M).

(c) **Prima-facie unlawful.** The section provides that it is prima-facie unlawful for any person to exceed any of the speed limitations in (5)(b)(i), (ii), (iii), (iv), (vi), (vii), and (viii), above, or any declared pursuant to the section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations described in the next paragraph.

(d) **Additional prohibitions.** The section also prohibits a person from operating a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows: (i) at a speed exceeding 55 miles per hour, except upon a freeway as provided in (5)(b)(xiii), above, (ii) at a speed exceeding 65 miles per hour upon a

freeway as provided in (5)(b)(xiii), above, except as otherwise provided in clause (iii) of this paragraph, (iii) if a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus as prescribed in (5)(b)(xi), above, at a speed exceeding 55 miles per hour upon a freeway as provided in that provision, (iv) at a speed exceeding the posted speed limit upon a freeway for which the Director has determined and declared a speed limit of not more than 65 miles per hour pursuant to R.C. 4511.21(L)(2) or (M), (v) at a speed exceeding 65 miles per hour upon a freeway for which such a speed limit has been established through the operation of R.C. 4511.21(L)(3), or (vi) at a speed exceeding the posted speed limit upon a freeway for which the Director has determined and declared a speed limit pursuant to R.C. 4511.21(I)(2).

The section authorizes specified state and local officials to revise the specified prima-facie speed limits or other speed limits in specified circumstances.

HISTORY

ACTION	DATE
Introduced	03-06-07

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