



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Carlen Zhang-D'Souza

### **Sub. H.B. 219**

132nd General Assembly

(As Reported by H. Transportation and Public Safety)

**Reps.** Boccieri, Hood, Sheehy, Lepore-Hagan, Becker, Miller, Ashford, Seitz, O'Brien, West, Craig, Kent, Holmes, Green, Manning

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### **BILL SUMMARY**

- Specifies that a speed limit established under the Speed Limit Law is effective beginning at the location of the speed limit sign that gives notice of that speed limit.
  - Requires the Director of Transportation to establish specifications for "reduced speed limit ahead" signs to give a driver of a motor vehicle a reasonable opportunity to decrease the speed of the vehicle before the upcoming speed limit sign.
  - Makes clarifying, nonsubstantive changes to provisions within the Speed Limit Law, particularly regarding the content of the information included on the affidavit and warrant.
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### **CONTENT AND OPERATION**

#### **Effective point of changing speed limitations**

The bill specifies that a speed limit established under the Speed Limit Law is effective beginning at the location of the speed limit sign that gives notice of the speed limit. The speed limit then continues in effect until the location of a speed limit sign that establishes a different speed limit.<sup>1</sup>

The bill also requires the Director of Transportation to establish specifications (in the Ohio Manual of Uniform Traffic Control Devices) to require each "reduced speed

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<sup>1</sup> R.C. 4511.21(E).

limit ahead" sign to be visible to a driver and to give the driver a reasonable opportunity to decrease the speed of the vehicle before the upcoming speed limit sign.<sup>2</sup>

## Speed limits generally

Speed limits are generally established in statute and are based on the type and location of the highway (for example, 35 miles per hour on all state routes or through highways within municipal corporations outside of business districts).<sup>3</sup> However, the Director of Transportation has the authority to change the speed limit for a specific highway if the statutory speed is either greater or less than is reasonably safe, based on an engineering or geometric and traffic characteristic study.<sup>4</sup> Additionally, a law enforcement officer has the discretion to stop a driver for a speeding offense if that driver operates the vehicle at a speed greater than 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," regardless of the posted speed limit.<sup>5</sup>

## Clarifying changes

The bill makes clarifying, nonsubstantive changes to provisions within the Speed Limit Law. Such changes primarily concern clarifying the prohibition against exceeding the speed limit<sup>6</sup> and clarifying the information that must be contained in an affidavit and warrant for a violation of the speed limit.<sup>7</sup>

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## HISTORY

ACTION	DATE
Introduced	05-16-17
Reported, H. Transportation & Public Safety	11-09-17

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<sup>2</sup> R.C. 4511.21(E).

<sup>3</sup> R.C. 4511.21(B)(3). See also *State v. Smith*, 12th Dist. Madison, 2006-Ohio-4829, in which the court declared "that the speed limit on streets and roadways in the state of Ohio is set by statute, and *not by speed limit signage*." (Emphasis in the original.)

<sup>4</sup> See, for example, R.C. 4511.21(H) through (J).

<sup>5</sup> R.C. 4511.21(A).

<sup>6</sup> R.C. 4511.21(C).

<sup>7</sup> R.C. 4511.21(F).

