



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 455\*

131st General Assembly

(As Reported by S. Transportation, Commerce & Labor)

**Reps.** Patterson and Roegner, M. O'Brien, Rogers, Arndt, Anielski, Antonio, Baker, Bishoff, Brown, Buchy, Conditt, Dovilla, Driehaus, Hambley, Leland, Lepore-Hagan, S. O'Brien, Perales, K. Smith, Strahorn, Vitale

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## BILL SUMMARY

### Speed limit changes

- Authorizes the legislative authority of a municipal corporation or township in which a boarding school is located to establish a "boarding school zone."
- Allows the legislative authority to alter the speed limit on any street or highway within the "boarding school zone" and to specify the hours during which the altered speed limit is in effect.
- Establishes a 35 mph speed limit for county and township through highways located within national parks that span two or more counties (Cuyahoga Valley National Park).

### Regional airport and port authority meetings

- Allows regional airport authority boards of trustees and port authority boards of directors to hold meetings by interactive video conference or by teleconference, regardless of the Open Meetings Act's requirements.
- Requires such a board, if it wishes to hold meetings by interactive video conference or teleconference, to adopt rules that, at a minimum, require meetings to be conducted in a certain manner.

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\* This analysis was prepared before the report of the Senate Transportation, Commerce, and Labor Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

## Designated highways and special license plates

- Designates multiple memorial highways.
- Creates multiple special license plates.

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## CONTENT AND OPERATION

### Speed limit changes

#### Background

Speed limits are generally statutorily specified speeds that serve as a threshold speed below which it is prima-facie lawful for a person to operate a vehicle. The speed limit for a roadway depends on the type and location of the roadway. Except in limited circumstances, the statutory speed limits may only be modified by the Director of Transportation or by a local authority upon approval by the Director.<sup>1</sup>

#### "Boarding school zone" speed limit

The bill authorizes the legislative authority of a municipal corporation or township in which a boarding school is located to establish a "boarding school zone" in which an altered speed limit may be imposed. In order to establish a boarding school zone, the legislative authority must consult with the administration of the boarding school and the county engineer or other appropriate engineer regarding the boundaries of the boarding school zone, the altered speed limit within the zone, and the hours the

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<sup>1</sup> See generally, R.C. 4511.21.



altered speed limit will be in effect. The boarding school zone may be established by resolution or ordinance of the legislative authority, and the altered speed limit within the zone becomes effective when appropriate signs are erected.<sup>2</sup>

Under current law, the general school zone speed limit applies to roads that are within a school zone associated with a boarding school.<sup>3</sup> Within a "school zone" the speed limit is 20 miles per hour during school recess and while children are going to or leaving school during the opening or closing hours, so long as signs have been erected.<sup>4</sup> A school zone, as defined under current law, means the portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. The school zone may be expanded by the Director of Transportation upon the request of a local authority, in accordance with statutory procedures, up to 300 feet per approach per direction.<sup>5</sup>

### **"Multi-county national park" speed limits**

The bill establishes a 35 mph speed limit for county and township through highways that are located in national parks extending through two or more counties.<sup>6</sup> At the present time, the only National Park in Ohio that meets this criteria is the Cuyahoga Valley National Park, located in Cuyahoga and Summit Counties.

Under current law, when the roads located inside a national park are not owned and managed by a park commissioner, the speed limit in the park varies depending on the type of highway, based on the statutory speed limits. Thus, while a municipal road inside the park lines might have a 35 mph speed limit, a county or township road might have a 55 mph speed limit.

### **Regional airport and port authority meetings**

The bill allows boards of trustees of regional airport authorities<sup>7</sup> and boards of directors of port authorities<sup>8</sup> to hold meetings by interactive video conference or by

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

<sup>3</sup> R.C. 4511.21(B)(1).

<sup>4</sup> R.C. 4511.21(B)(1)(a). School zone speed limits do not apply to controlled-access highways, expressways, or freeways if a right-of-way line fence has been erected without a pedestrian opening.

<sup>5</sup> R.C. 4511.21(B)(1)(c). Modified procedures apply with regard to establishing a school zone on a state route or for a special elementary school (R.C. 4511.21(B)(1)(b) and (d)).

<sup>6</sup> R.C. 4511.21(B)(9).

<sup>7</sup> R.C. 308.051.

<sup>8</sup> R.C. 4582.60.



teleconference, regardless of the requirement in the Open Meetings Act<sup>9</sup> that a member of a public body be present in person at a meeting open to the public in order to be part of a quorum or to vote. The bill applies to both types of port authorities; for example, port authorities that are created by any combination of municipal corporations, townships, or counties,<sup>10</sup> and port authorities formed by any combination of those subdivisions and other political subdivisions.<sup>11</sup>

The board may conduct a meeting by interactive video conference or teleconference only if the meeting is held in the following manner:

(1) The board establishes a primary meeting location that is open and accessible to the public;

(2) Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or United States Postal Service to each board member;

(3) For an *interactive video conference*, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member;

(4) For a *teleconference*, the board causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member;

(5) All board members have the capability to receive meeting-related materials that are distributed during a board meeting;

(6) A roll call voice vote is recorded for each vote taken; and

(7) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference.

Use of an interactive video conference is preferred, but nothing in the bill's interactive video or teleconference meeting provision prohibits the board from

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<sup>9</sup> R.C. 121.22(C), not in the bill.

<sup>10</sup> R.C. 4582.03(A).

<sup>11</sup> R.C. 4582.27.



conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting.<sup>12</sup>

Under the bill, a regional airport authority board of trustees and a port authority board of directors must adopt rules necessary to implement interactive video conferencing or teleconferencing. At a minimum, the rules must do *all* of the following:

- Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, instead of attending the meeting in person.

- Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference.

- Require that not more than one board member remotely attending a board meeting by *teleconference* can be physically present at the same remote location.

- Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference.

- Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference.

- Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference.<sup>13</sup>

## Memorial highways

The bill designates the following highways and authorizes the Director of Transportation to erect suitable markers along the highways indicating their names:

Designated Name	Highway
"Hilliard Patrol Officer Sean Johnson Memorial Highway" <sup>14</sup>	The portion of Interstate Route (IR) 270, located in Franklin County, commencing at the interchange of IR 270 and State Route (SR) 161 and extending in a westerly

<sup>12</sup> R.C. 308.051(A) and 4582.60(A).

<sup>13</sup> R.C. 308.051(B) and 4582.60(B).

<sup>14</sup> R.C. 5534.44.



	direction to the intersection of IR 270 and Cemetery Road
"Trooper Kenneth Velez Memorial Highway" <sup>15</sup>	The eastbound and westbound lanes of IR 90, located in Cuyahoga County, between the intersection of IR 90 and Warren Road and the intersection of IR 90 and Hilliard Road
"Marine Gunnery Sgt. Robert L. Gilbert II Memorial Highway" <sup>16</sup>	The portion of IR 77, located in Summit County, commencing at the intersection of IR 77 and Brecksville Road and extending in a northerly and southerly direction to the intersection of IR 77 and IR 271
"U.S. Army Specialist Jason N. Cox Memorial Highway" <sup>17</sup>	The eastbound and westbound lanes of U.S. Route (U.S.R.) 20, located in Lorain County, between the intersection of U.S.R. 20 and Grafton Road and the intersection of U.S.R. 20 and SR 511
"Air Force Master Sgt. William L. McDaniel II Memorial Highway" <sup>18</sup>	The portion of SR 121, located in Darke County, commencing at the intersection of SR 121 and Weavers-Fort Jefferson Road and extending in a northeasterly and southwesterly direction to the intersection of SR 121 and New Madison-Coletown Road
"James F. Dicke, Sr. Memorial Highway." <sup>19</sup>	The portion of SR 274, located in Auglaize County, commencing at the intersection of SR 274 and SR 364 and extending in an easterly and westerly direction to the intersection of SR 274 and County Road 71

## Special license plates

### "Conquer Childhood Cancer" license plate

The bill creates the following special license plate:<sup>20</sup>

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<sup>15</sup> R.C. 5534.46.

<sup>16</sup> R.C. 5534.66.

<sup>17</sup> R.C. 5534.68.

<sup>18</sup> R.C. 5534.72.

<sup>19</sup> R.C. 5534.92.

<sup>20</sup> R.C. 4503.497.



<b>Special License Plate</b>	<b>Conquer Childhood Cancer</b> license plate, which is inscribed with identifying words and markings that are designed by the St. Baldrick's Foundation and approved by the Registrar of Motor Vehicles.
<b>Recipients</b>	Available to all applicants.
<b>Eligible Vehicles</b>	Any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle approved by the Registrar.
<b>Contribution and Additional BMV Fee</b>	\$25 required contribution.  \$10 additional administrative BMV fee.
<b>Use of Contribution</b>	Contributions must be used by the St. Baldrick's Foundation for its research and other programs. <sup>21</sup>
<b>Requirements for Issuance</b>	(1) Submission of an application;  (2) Payment of the regular license tax, any local tax, the contribution, the administrative fee, and (if appropriate) a special reserved license plate fee; and  (3) Compliance with all other relevant laws relating to motor vehicle registration.
<b>Combined with Special Reserved License Plate</b>	May be combined with a special reserved license plate, which is a license plate with personalized letters and/or numbers.
<b>Applicability of License Plate Termination Procedures</b>	Procedures governing the termination of nonstandard license plates apply. <sup>22</sup>

### "University of Notre Dame" license plate

The bill creates the following special license plate:<sup>23</sup>

<b>Special License Plate</b>	<b>University of Notre Dame</b> license plate, which is inscribed with the words and markings selected by the University of Notre Dame.
<b>Recipients</b>	Available to all applicants.

<sup>21</sup> R.C. 4501.21.

<sup>22</sup> R.C. 4503.77 to 4503.78, not in the bill.

<sup>23</sup> R.C. 4503.514.



<b>Eligible Vehicles</b>	Any passenger car, noncommercial motor vehicle, recreational vehicle, motorcycle, cab-enclosed motorcycle, or other vehicle approved by the Registrar, and, effective January 1, 2017, any motor-driven cycle or motor scooter.
<b>Contribution and Additional BMV Fee</b>	\$30 required contribution.  \$10 additional administrative BMV fee.
<b>Use of Contribution</b>	Contributions must be used by the University of Notre Dame (South Bend, Indiana) to award grants or scholarships to residents of Ohio who attend the University. The University may use not more than 20% of the contributions for purposes of administering the scholarship program.  The Registrar must enter into appropriate agreements with the University to effectuate the distribution of the contributions. <sup>24</sup>
<b>Requirements for Issuance</b>	(1) Submission of an application;  (2) Payment of the regular license tax, any local tax, the contribution, the administrative fee, and (if appropriate) a special reserved license plate fee; and  (3) Compliance with all other relevant laws relating to motor vehicle registration.
<b>Combined with Special Reserved License Plate</b>	May be combined with a special reserved license plate, which is a license plate with personalized letters and/or numbers.
<b>Applicability of License Plate Termination Procedures</b>	Procedures governing the termination of nonstandard license plates apply. <sup>25</sup>

### "Triple Negative Breast Cancer Awareness" license plate

The bill creates the following special license plate:<sup>26</sup>

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<sup>24</sup> R.C. 4501.21.

<sup>25</sup> R.C. 4503.77 to 4503.78, not in the bill.

<sup>26</sup> R.C. 4503.556.





<b>Special License Plate</b>	<b>The Triple Negative Breast Cancer Awareness</b> license plate, which is inscribed with identifying words or markings designed by the Erica J. Holloman Foundation, Inc., for the Awareness of Triple Negative Breast Cancer and approved by the Registrar.
<b>Recipients</b>	Available to all applicants.
<b>Eligible Vehicles</b>	Any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle approved by the Registrar.
<b>Contribution and Additional BMV Fee</b>	\$25 required contribution. \$10 additional administrative BMV fee.
<b>Use of Contribution</b>	Contributions must be used by the Erica J. Holloman Foundation, Inc., for the Awareness of Triple Negative Breast Cancer for charitable and educational purposes. <sup>27</sup>
<b>Requirements for Issuance</b>	(1) Submission of an application;  (2) Payment of the regular license tax, any local tax, the contribution, the administrative fee, and (if appropriate) a special reserved license plate fee; and  (3) Compliance with all other relevant laws relating to motor vehicle registration.
<b>Combined with Special Reserved License Plate</b>	May be combined with a special reserved license plate, which is a license plate with personalized letters and/or numbers.
<b>Applicability of License Plate Termination Procedures</b>	Procedures governing the termination of nonstandard license plates apply. <sup>28</sup>

**"The Improved Benevolent and Protective Order of the Elks of the World (IBPOEW)" license plate**

The bill creates the following special license plate:<sup>29</sup>

<b>Special License Plate</b>	<b>The Improved Benevolent and Protective Order of the Elks of the World (IBPOEW)</b> license plate, which bears the acronym "IBPOEW" and a marking designed by the Ohio Association of the Improved Benevolent and Protective Order of the Elks of the World that is approved by the Registrar.
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<sup>27</sup> R.C. 4501.21.

<sup>28</sup> R.C. 4503.77 to 4503.78, not in the bill.

<sup>29</sup> R.C. 4503.702.



<b>Recipients</b>	Available to all applicants.
<b>Eligible Vehicles</b>	Any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle approved by the Registrar.
<b>Contribution and Additional BMV Fee</b>	\$25 required contribution. \$10 additional administrative BMV fee.
<b>Use of Contribution</b>	Contributions must be used by the Ohio Association of the Improved Benevolent and Protective Order of the Elks of the World for charitable purposes. <sup>30</sup>
<b>Requirements for Issuance</b>	(1) Submission of an application;  (2) Payment of the regular license tax, any applicable local tax, contribution, administrative fee, any applicable special reserved license plate fee; and  (3) Compliance with all other applicable laws relating to motor vehicle registration.
<b>Combined with Special Reserved License Plate</b>	May be combined with a special reserved license plate provided in current law.
<b>Applicability of License Plate Termination Procedures</b>	Procedures governing the termination of nonstandard license plates apply. <sup>31</sup>

### "Down Syndrome Awareness" license plate

The bill creates the following special license plate:<sup>32</sup>

<b>Special License Plate</b>	<b>The Down Syndrome Awareness</b> license plate, which is inscribed with identifying words or markings designed by the Down Syndrome Association of Central Ohio and approved by the Registrar.
<b>Recipients</b>	Available to all applicants.
<b>Eligible Vehicles</b>	Any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle approved by the Registrar.
<b>Contribution and Additional BMV Fee</b>	\$25 required contribution. \$10 additional administrative BMV fee.

<sup>30</sup> R.C. 4501.21.

<sup>31</sup> R.C. 4503.77 to 4503.78, not in the bill.

<sup>32</sup> R.C. 4503.722.



<b>Use of Contribution</b>	Contributions must be used by the Down Syndrome Association of Central Ohio for advocacy purposes throughout Ohio. <sup>33</sup>
<b>Requirements for Issuance</b>	(1) Submission of an application;  (2) Payment of the regular license tax, any local tax, the contribution, the administrative fee, and (if appropriate) a special reserved license plate fee; and  (3) Compliance with all other relevant laws relating to motor vehicle registration.
<b>Combined with Special Reserved License Plate</b>	May be combined with a special reserved license plate, which is a license plate with personalized letters and/or numbers.
<b>Applicability of License Plate Termination Procedures</b>	Procedures governing the termination of nonstandard license plates apply. <sup>34</sup>

### "Buckeye Corvette" license plate

The bill creates the following special license plate:<sup>35</sup>

<b>Special License Plate</b>	<b>The Buckeye Corvette</b> license plate, which is inscribed with identifying words or markings designed by Buckeye Corvettes, Inc., and approved by the Registrar.
<b>Recipients</b>	Available to all applicants.
<b>Eligible Vehicles</b>	Any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle approved by the Registrar.
<b>Contribution and Additional BMV Fee</b>	\$20 required contribution.  \$10 additional administrative BMV fee.
<b>Use of Contribution</b>	Contributions must be used by Buckeye Corvettes, Inc., for its charitable activities and programs. <sup>36</sup>
<b>Requirements for Issuance</b>	(1) Submission of an application;  (2) Payment of the regular license tax, any local tax, the contribution, the administrative fee, and (if appropriate) a special reserved license plate fee; and

<sup>33</sup> R.C. 4501.21.

<sup>34</sup> R.C. 4503.77 to 4503.78, not in the bill.

<sup>35</sup> R.C. 4503.733.

<sup>36</sup> R.C. 4501.21.



	(3) Compliance with all other relevant laws relating to motor vehicle registration.
<b>Combined with Special Reserved License Plate</b>	May be combined with a special reserved license plate, which is a license plate with personalized letters and/or numbers.
<b>Applicability of License Plate Termination Procedures</b>	Procedures governing the termination of nonstandard license plates apply. <sup>37</sup>

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## COMMENT

Hilliard Patrol Officer Sean Johnson was killed in a motorcycle crash during a training exercise on May 19, 2016.

State Highway Patrol Trooper Kenny Velez was killed after being struck by a motor vehicle while conducting a routine traffic stop on September 15, 2016.

Marine Gunnery Sgt. Robert L. Gilbert, II died from wounds sustained while supporting combat operations in Badghis province, Afghanistan on March 16, 2010.

U.S. Army Specialist Jason N. Cox died from wounds sustained near Hillah, Iraq while supporting Operation Iraqi Freedom on June 16, 2008.

Air Force Master Sgt. William L. McDaniel, II died during training exercises while serving during Operation Enduring Freedom on February 22, 2002.

James F. Dicke, Sr. was a WWII veteran, businessman, and philanthropist who died at home in New Bremen, Ohio on Veterans Day, November 11, 2016.

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## HISTORY

ACTION	DATE
Introduced	02-09-16
Reported, H. Local Gov't	05-04-16
Passed House (95-0)	05-18-16
Reported, S. Transportation, Commerce & Labor	---

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<sup>37</sup> R.C. 4503.77 to 4503.78, not in the bill.

