



# OHIO LEGISLATIVE SERVICE COMMISSION

## Final Analysis

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### Sub. H.B. 455

131st General Assembly  
(As Passed by the General Assembly)

**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

**Sens.** Cafaro, LaRose, Manning, Yuko, Bacon, Coley, Eklund, Faber, Hackett, Hite, Hughes, Lehner, Oelslager, Patton, Sawyer, Thomas, Williams

**Effective date:** April 6, 2017

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## ACT 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 authority and port authority meetings

- Allows the boards of regional airport authorities and of port authorities to hold meetings by interactive video conference or by teleconference, regardless of the Open Meetings Act's requirements.

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\* This version updates the effective date and reflects a R.C. number change from R.C. 4503.733 to R.C. 4503.752. See <https://www.legislature.ohio.gov/download?key=6363&format=pdf>.

- 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.

## **Designated highways and nonstandard license plates**

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

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## **CONTENT AND OPERATION**

### **Speed limit changes**

#### **"Boarding school zone" speed limit**

The act 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 school's administration and the county engineer or other appropriate engineer regarding the boundaries of the zone, the altered speed limit within it, and the hours the 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>1</sup>

Prior to the act, the general school zone speed limit always applied to roads within a school zone associated with a boarding school. Within a "school zone" the speed limit is 20 mph during school recess and while children are going to or leaving school during opening or closing hours, so long as signs have been erected.<sup>2</sup> These typical hours, however, do not always coincide with the hours of students attending a boarding school. If a boarding school zone is not established by the legislative authority, the general school zone speed limit will still apply to the roads near the boarding school.

A school zone, as defined under continuing 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

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

<sup>2</sup> R.C. 4511.21(B)(1). 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.



may be expanded by the Director of Transportation at the request of a local authority, in accordance with statutory procedures, up to 300 feet per approach per direction.<sup>3</sup>

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

The act 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>4</sup> At the present time, the only multi-county national park in Ohio that contains county and township through highways is the Cuyahoga Valley National Park, located in Cuyahoga and Summit Counties. Prior to the act, county and township through roads in the Park had speed limits up to 55 mph.

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

The act allows boards of trustees of regional airport authorities<sup>5</sup> and boards of directors of port authorities<sup>6</sup> to hold meetings by interactive video conference or by teleconference, regardless of the Open Meetings Act requirement<sup>7</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 act applies to both types of port authorities; i.e., port authorities created by any combination of municipal corporations, townships, or counties, and port authorities formed by any combination of those subdivisions and other political subdivisions.<sup>8</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 U.S. Postal Service to each board member;

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<sup>3</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>4</sup> R.C. 4511.21(B)(9).

<sup>5</sup> R.C. 308.051.

<sup>6</sup> R.C. 4582.60.

<sup>7</sup> R.C. 121.22(C), not in the act.

<sup>8</sup> R.C. 4582.03(A) and 4582.27.



(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 can receive meeting-related materials that are distributed during the meeting;

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

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

Use of an interactive video conference is preferred, but the act does not prohibit the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting.<sup>9</sup>

Under the act, a regional airport authority board and a port authority board must adopt rules 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, instead of attending the meeting in person;
- Establish a minimum number of board members who 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

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<sup>9</sup> R.C. 308.051(A) and 4582.60(A).



during a meeting at which board members attend by interactive video conference or teleconference; and

- Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference.<sup>10</sup>

## Memorial highways

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

Designated Name	Highway	Biographical Information
"Hilliard Patrol Officer Sean Johnson Memorial Highway" <sup>11</sup>	The portion of Interstate Route (I.R.) 270, located in Franklin County, commencing at the interchange of that route and State Route (S.R.) 161 and extending in a westerly direction to the intersection of I.R. 270 and Cemetery Road	Hilliard Patrol Officer Sean Johnson was killed in a motorcycle crash during a training exercise on May 19, 2016
"Trooper Kenneth Velez Memorial Highway" <sup>12</sup>	The eastbound and westbound lanes of I.R. 90, located in Cuyahoga County, between the intersection of I.R. 90 and Warren Road and the intersection of I.R. 90 and Hilliard Road	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 Memorial Highway" <sup>13</sup>	The portion of I.R. 77, located in Summit County, commencing at the intersection of I.R. 77 and Brecksville Road and extending in a northerly and southerly direction to the intersection of I.R. 77 and I.R. 271	Marine Gunnery Sgt. Robert L. Gilbert, II died from wounds sustained while supporting combat operations in Badghis province, Afghanistan on March 16, 2010

<sup>10</sup> R.C. 308.051(B) and 4582.60(B).

<sup>11</sup> R.C. 5534.44.

<sup>12</sup> R.C. 5534.46.

<sup>13</sup> R.C. 5534.66.



Designated Name	Highway	Biographical Information
"U.S. Army Specialist Jason N. Cox Memorial Highway" <sup>14</sup>	The eastbound and westbound lanes of U.S. Route 20, located in Lorain County, between the intersection of U.S. Route 20 and Grafton Road and the intersection of U.S. Route 20 and S.R. 511	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 Memorial Highway" <sup>15</sup>	The portion of S.R. 121, located in Darke County, commencing at the intersection of S.R. 121 and Weavers-Fort Jefferson Road and extending in a northeasterly and southwesterly direction to the intersection of S.R. 121 and New Madison-Coletown Road	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. Memorial Highway" <sup>16</sup>	The portion of S.R. 274, located in Auglaize County, commencing at the intersection of S.R. 274 and S.R. 364 and extending in an easterly and westerly direction to the intersection of S.R. 274 and County Road 71	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

### Nonstandard license plates

The act creates six new nonstandard license plates, all of which are available to the general public. The license plates require the payment of a contribution of varying amounts upon license plate issuance or renewal to be deposited into the existing License Plate Contribution Fund, along with an additional annual \$10 Bureau of Motor Vehicles (BMV) fee. The additional fee must be deposited into the Bureau of Motor Vehicles Fund and used by the BMV for its additional services in issuing the nonstandard license plates. All of the new license plates require payment of the regular license tax, any local motor vehicle tax, and the appropriate special reserved license plate fee, if required.

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<sup>14</sup> R.C. 5534.68.

<sup>15</sup> R.C. 5534.72.

<sup>16</sup> R.C. 5534.92.



Generally, new license plates may be issued for display on passenger cars, noncommercial motor vehicles, recreational vehicles, and any other vehicle of a class approved by the Registrar of Motor Vehicles. However, under the act, the "Notre Dame" license plate also may be issued for display on motorcycles, cab-enclosed motorcycles, motor-driven cycles, and motor scooters.

Nonstandard license plate	Contribution? Additional BMV fee?	Use of contribution <sup>17</sup>
<p><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.<sup>18</sup></p>	<p>\$25 contribution plus  \$10 additional BMV fee.</p>	<p>The St. Baldrick's Foundation must use the contributions for its research and other programs.</p>
<p><b>University of Notre Dame</b> license plate, which is inscribed with the words and markings selected by the University of Notre Dame and approved by the Registrar.<sup>19</sup></p>	<p>\$30 contribution plus  \$10 additional BMV fee.</p>	<p>The University of Notre Dame (South Bend, Indiana) must use the contributions 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 administering the scholarship program.  The Registrar must enter into appropriate agreements with the University to effectuate the distribution of the contributions.</p>
<p><b>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.<sup>20</sup></p>	<p>\$25 contribution plus  \$10 additional BMV fee.</p>	<p>The Erica J. Holloman Foundation, Inc., for the Awareness of Triple Negative Breast Cancer must use the contributions for charitable and educational purposes.</p>

<sup>17</sup> R.C. 4501.21.

<sup>18</sup> R.C. 4503.497.

<sup>19</sup> R.C. 4503.514.

<sup>20</sup> R.C. 4503.556.



Nonstandard license plate	Contribution? Additional BMV fee?	Use of contribution <sup>17</sup>
<b>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. <sup>21</sup>	\$25 contribution plus  \$10 additional BMV fee.	The Ohio Association of the Improved Benevolent and Protective Order of the Elks of the World must use the contributions for charitable purposes.
<b>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. <sup>22</sup>	\$25 contribution plus  \$10 additional BMV fee.	The Down Syndrome Association of Central Ohio must use the contributions for advocacy purposes throughout Ohio.
<b>Buckeye Corvette</b> license plate, which is inscribed with identifying words or markings designed by Buckeye Corvettes, Inc., and approved by the Registrar. <sup>23</sup>	\$20 contribution plus  \$10 additional BMV fee.	Buckeye Corvettes, Inc., must use the contributions for its charitable activities and programs.

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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	12-07-16
Passed Senate (32-0)	12-07-16
House concurred in Senate amendments (93-0)	12-08-16

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<sup>21</sup> R.C. 4503.702.

<sup>22</sup> R.C. 4503.722.

<sup>23</sup> R.C. 4503.752.

