

without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other disabling condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(3) "Accessible license plates" and "removable windshield placard" mean any license plates ~~or~~ standard removable windshield placard, permanent removable windshield placard, or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard ~~or temporary removable windshield placard~~ issued by a state, district, country, or sovereignty.

Sec. 4511.76. (A) The department of public safety, by and with the advice of the superintendent of public instruction, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section 4511.763 of the Revised Code. The rules may relate to the condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.

(E) A chartered nonpublic school or a community school may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions when one of the following applies:

(1) A student's school district of residence has declared the transportation of the student impractical pursuant to section 3327.02 of the Revised Code; ~~or~~

(2) A student does not live within thirty minutes of the chartered nonpublic school or the community school, as applicable, and the student's school district is not required to transport the student under section 3327.01 of the Revised Code;

(3) The governing authority of the chartered nonpublic school or the community school has offered to provide the transportation for its students in lieu of the students being transported by their school district of residence.

(F) A school district may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions, if both of the following apply to the operation of that vehicle:

(1) The number of students to be transported is not more than nine;

(2) The students attend a chartered nonpublic school or a community school, and the school district regularly transports students to that chartered nonpublic school or that community school.

(G) A school district or the governing authority of a chartered nonpublic school or community school that uses a vehicle originally designed for not more than nine passengers, not including the driver, in accordance with division (E) or (F) of this section, shall ensure that all of the following apply to the operation of that vehicle:

(1) A qualified mechanic inspects the vehicle not fewer than two times each year and determines that it is safe for pupil transportation;

(2) The driver of the vehicle does not stop on the roadway to load or unload passengers;

(3) The driver of the vehicle meets the requirements specified for a driver of a school bus or motor van under section 3327.10 of the Revised Code and any corresponding rules adopted by the department of education and workforce. Notwithstanding that section or any department rules to the contrary, the driver is not required to have a commercial driver's license but shall have a current, valid driver's license, and shall be accustomed to operating the vehicle used to transport the students;

(4) The driver and all passengers in the vehicle comply with the requirements of sections 4511.81 and 4513.263 of the Revised Code, as applicable.

(H) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code.

~~(G)~~(I) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has

been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.991. (A) As used in this section and each section referenced in division (B) of this section, all of the following apply:

(1) "Distracted" means doing either of the following while operating a vehicle:

(a) Using an electronic wireless communications device, as defined in section 4511.204 of the Revised Code, in violation of that section;

(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be charged with a violation of section 4511.84 of the Revised Code.

(3) "Distracted" does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals.

As used in division (A)(3) of this section:

(a) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.

(b) "Utility service vehicle" means a vehicle owned or operated by a utility.

(B) If an offender violates section 4511.03, 4511.051, 4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised Code while distracted and the distracting activity is a contributing factor to the commission of the violation, the offender is subject to the applicable penalty for the violation and, notwithstanding section 2929.28 of the Revised Code, is subject to an additional fine of not more than one hundred dollars as follows:

(1) Subject to Traffic Rule 13, if a law enforcement officer issues an