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H.B. 787
133rd General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Rep. Wiggam

Local Impact Statement Procedure Required: No

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Highlights

- The Department of Public Safety will incur one-time and ongoing annual costs to create and maintain a Volunteer Accessible Parking Enforcement Force.
- The bill creates the Accessible Parking Violations Fund to be administered by the Director of Public Safety and Superintendent of Education, consisting of 50% of the fine revenue collected for violations of state accessible parking laws. The bill requires the money to be distributed as follows:
 - 25% to the Director for the Volunteer Accessible Parking Enforcement Force Training Program, data collection, and local law enforcement assistance; and
 - 75% to the Superintendent to support annual grants to a nonprofit organization that creates, expands, and oversees interscholastic adaptive sports for youth with physical disabilities.
- The bill will decrease the amount of revenue that certain political subdivisions retain, namely townships, for each state accessible parking law violation by 50%, by requiring that half of the fine revenue collected be credited to the Accessible Parking Violations Fund.
- Local law enforcement agencies that choose to participate in the bill's statewide civil enforcement system may experience a likely minimal increase in costs to comply with the new civil ticketing process.
- The bill may increase the number of accessible parking violations processed each year by certain municipal and county courts, as well as parking violations bureaus. The related costs may be offset to some degree by the collection of local court costs and fees.

Detailed Analysis

The bill changes all references to “handicapped” parking to “accessible” parking, and reorganizes, clarifies, and modifies the law governing accessible parking and enforcement. Most notably, for purposes of this fiscal note, the bill: (1) creates a Volunteer Accessible Parking Enforcement Force and establishes a training program within the Department of Public Safety, (2) creates a statewide civil enforcement system for issuing tickets for civil accessible parking violations which replace many of the existing criminal penalties for accessible parking law violations, and (3) redirects fine money collected from accessible parking violations.

Volunteer Accessible Parking Enforcement Force

The bill creates the Volunteer Accessible Parking Enforcement Force (VAPEF) to assist local governments in enforcing accessible parking laws and requires the Department of Public Safety to provide training to the volunteers. The Department is required to train volunteers on the general administrative rules, statutory laws, proper procedures governing the VAPEF, the judicial system’s role in parking regulation and enforcement, as well as other specified areas. Upon successful completion of the training program, law enforcement may deputize volunteers to assist in the enforcement of accessible parking laws under the civil enforcement system. The bill also requires the Department to track the number of volunteers trained and the expenses incurred in administering the program.

The Department of Public Safety will incur one-time and ongoing annual costs to create and maintain the VAPEF Training Program. It is unclear whether the Department has sufficient staff on hand to run the program, with or without incurring overtime expenses, or whether additional staff would need to be hired. Under the bill, 25% of the fine revenue received for accessible parking violations that is deposited to the credit of the bill’s Accessible Parking Violations Fund, will be distributed to the Department to operate the VAPEF Training Program. The amount of revenue that such violations will generate is uncertain, as is the amount that will ultimately be distributed to the Department. Depending upon the amount of funding received and the costs incurred to operate the program, it is possible that the Department may have to absorb some of the associated costs. It is unclear whether the Department has the existing resources to do so.

Civil enforcement system

The bill makes the majority of accessible parking violations a civil violation with corresponding civil penalties, instead of a criminal violation with criminal penalties under existing law, and creates a new statewide civil enforcement system. Under current law, parking regulations and enforcement are generally left to local governments. Under the new system, the bill permits local law enforcement agencies to deputize volunteers trained under the Volunteer Accessible Parking Enforcement Force to assist in enforcing civil accessible parking violations and creates a new process for issuing civil tickets. That process includes a requirement that the officer or volunteer, when issuing a ticket for accessible parking violations, take a photograph to show that the violation occurred. The law enforcement agency that employs an officer, or deputized a volunteer, who submits an accessible parking violation ticket is then required to mail a photograph, along with the ticket, to the operator or owner of the motor vehicle within 30 days.

Under the bill, local governments can choose to continue to use their current civil penalty process or use the new civil enforcement system. The number of local governments that will

ultimately choose to switch from their current enforcement system to the statewide civil enforcement system is uncertain. However, if a local government chooses to utilize volunteers to assist in the enforcement of accessible parking laws, local law enforcement agencies may incur minimal costs to comply with the new civil ticketing process, particularly the requirement that the officer or volunteer photograph the violation. There may also be a likely no more than minimal annual increase in related mailing and clerical expenses.

Penalties

In addition to making the majority of accessible parking violations a civil violation with corresponding civil penalties, instead of a criminal violation with criminal penalties under existing law, the bill increases the fine for illegally parking in an accessible parking space or access aisle. Under existing law, a person who violates either prohibition is subject to a fine of between \$250 and \$500. Under the bill, such a person is subject to a fine of \$250 for a first offense, between \$250 and \$500 for a second offense, and between \$500 and \$750 for a third or subsequent offense. As a result, issuing citations to repeat offenders may generate more fine revenue than would otherwise be the case under existing law.

The bill modifies and expands what constitutes an accessible parking violation. These changes may result in more tickets being issued, which would increase the amount of fine revenue collected. Under the bill, accessible parking violation fine revenue will be evenly distributed between the political subdivision in which the violation occurred and the Accessible Parking Violations Fund.

Disclaiming liability

Under the bill, a person may disclaim liability by providing an affidavit stating that one of the three circumstances was the case at the time of the violation: (1) the owner, operator, or person being transported had a valid accessible plate or placard but did not display it, (2) that a person other than the vehicle owner was operating the vehicle, or (3) that the vehicle was stolen and a police report is submitted along with the affidavit. If liability is disclaimed, law enforcement is required to issue a new citation or the court must determine liability through a hearing. As a result, certain municipal and county courts, as well as parking violations bureaus, may experience an increase in the number of accessible parking violation cases to adjudicate. The cost to process those cases is uncertain, but may be offset to some degree by the collection of local court costs and fees. It is likely that the resulting impact on any given court or parking violations bureau will be no more than minimal annually, as people who receive a ticket along with photographic evidence of the violation may be less likely to contest it.

Redirection of fine revenue

The bill redirects the fine money collected from accessible parking violations to the Accessible Parking Violations Fund, which the bill creates. Under existing law, 100% of the fine money collected is retained by the political subdivision in which the violation occurred and may only be used for specified purposes. The bill permits the political subdivision in which the violation occurred to retain 50% of the fine money collected with no restrictions on usage, and redirects the remaining 50% to the Accessible Parking Violations Fund. As a result, certain political subdivisions, namely townships, will experience a 50% decrease in the amount of revenue collected from certain fines assessed for accessible parking violations. The bill will have no effect

on the amount of fine revenue generated from violations of municipal parking control ordinances, as distribution to the Accessible Parking Violations Fund only applies to violations of state law.

Accessible Parking Violations Fund

Volunteer Accessible Parking Enforcement Force Training Program

The bill requires that 25% of the money deposited in the Accessible Parking Violations Fund be distributed to the Director of Public Safety to administer the Volunteer Accessible Parking Enforcement Force Training Program, to collect data related to accessible parking violations, and to assist local law enforcement in enforcing the accessible parking laws.

Grants for interscholastic adaptive sports

The bill requires that 75% of the money deposited in the Accessible Parking Violations Fund be distributed to the Superintendent of Education to support annual grants to a nonprofit organization that creates, expands, and oversees interscholastic adaptive sports for youth with physical disabilities. The bill may minimally increase the Department of Education's administrative costs by requiring the Superintendent of Public Instruction to approve the nonprofit corporation to receive the grant, determine how much money is awarded, and issue an annual report to the General Assembly.