

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 547

Representative Fende

**Cosponsors: Representatives Budish, Evans, Foley, Hagan, R., Harwood,
Letson, Newcomb, Skindell, Ujvagi, Williams, B., Yuko**

—

A B I L L

To amend sections 3781.111, 3781.99, and 4511.69 of 1
the Revised Code to require the removal of snow or 2
ice from special parking locations designated for 3
persons with disabilities within 24 hours after 4
the weather condition causing the snow or ice 5
ceases. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3781.111, 3781.99, and 4511.69 of 7
the Revised Code be amended to read as follows: 8

Sec. 3781.111. (A) In addition to the powers conferred by any 9
other section of the Revised Code, the board of building standards 10
shall adopt standards and rules to facilitate the reasonable 11
access and use by all persons with a disability of all buildings 12
and the facilities of buildings for which plans are submitted for 13
approval under section 3791.04 of the Revised Code. No standard or 14
rule shall be applied to any building the plans or drawings, 15
specifications, and date of which have been approved prior to the 16
time that the standard or rule takes effect. 17

(B) Except as otherwise provided in this section, the 18

standards and rules adopted by the board pursuant to this section 19
shall be in accordance with the "Americans with Disabilities Act 20
of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, and the 21
"Fair Housing Amendments Act of 1988," 102 Stat. 1619, 42 U.S.C.A. 22
3601, as amended. 23

(C) All signs posted to designate special parking locations 24
for persons with a disability and persons with disabilities that 25
limit or impair the ability to walk in accordance with division 26
(E) of section 4511.69 of the Revised Code and the standards and 27
rules adopted pursuant to this section shall be mounted on a fixed 28
or movable post or otherwise affixed in a vertical position at a 29
height so that the sign is clearly visible to the driver of a 30
vehicle when parked in such a location. If a new sign or a 31
replacement sign designating a special parking location is posted 32
on or after ~~the effective date of this amendment~~ October 14, 1999, 33
there also shall be affixed upon the surface of that sign or 34
affixed next to the designating sign a notice that states the fine 35
applicable for the offense of parking a motor vehicle in the 36
special designated parking location if the motor vehicle is not 37
legally entitled to be parked in that location. 38

(D) As used in this section, "disability" has the same 39
meaning as in section 4112.01 of the Revised Code. As used in 40
division (C) of this section, "persons with disabilities that 41
limit or impair the ability to walk" has the same meaning as in 42
division (A)(1) of section 4503.44 of the Revised Code. 43

(E) No owner of a building or facility where special parking 44
locations for persons with a disability must be designated in 45
accordance with the standards and rules adopted pursuant to this 46
section shall fail to ~~properly~~ do either of the following: 47

(1) Properly mark the special parking locations as required 48
by those standards and rules or ~~fail to~~ maintain the markings of 49
the special parking locations, including the erection and 50

maintenance of the fixed or movable signs; 51

(2) Remove snow or ice that obstructs access to the special 52
parking locations within twenty-four hours after the weather 53
condition causing the snow or ice ceases. 54

Sec. 3781.99. (A) Whoever violates division (E)(1) of section 55
3781.111 of the Revised Code shall be issued a warning for a first 56
offense. On each subsequent offense, the person shall be fined 57
twenty-five dollars for each parking location that is not properly 58
marked or whose markings are not properly maintained. 59

(B) Whoever violates division (E)(2) of section 3781.111 of 60
the Revised Code shall be fined not less than two hundred fifty 61
nor more than five hundred dollars. 62

(C) Whoever violates this chapter or any rule adopted or 63
order issued pursuant to it that relates to the construction, 64
alteration, or repair of any building, and the violation is not 65
detrimental to the health, safety, or welfare of any person shall 66
be fined not more than one hundred dollars. 67

~~(C)~~(D) Whoever violates this chapter or any rule adopted or 68
order issued pursuant to it that relates to the construction, 69
alteration, or repair of any building, and the violation is 70
detrimental to the health, safety, or welfare of any person, is 71
guilty of a minor misdemeanor. 72

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 73
roadway where there is an adjacent curb shall be stopped or parked 74
with the right-hand wheels of the vehicle parallel with and not 75
more than twelve inches from the right-hand curb, unless it is 76
impossible to approach so close to the curb; in such case the stop 77
shall be made as close to the curb as possible and only for the 78
time necessary to discharge and receive passengers or to load or 79
unload merchandise. Local authorities by ordinance may permit 80

angle parking on any roadway under their jurisdiction, except that 81
angle parking shall not be permitted on a state route within a 82
municipal corporation unless an unoccupied roadway width of not 83
less than twenty-five feet is available for free-moving traffic. 84

(B) Local authorities by ordinance may permit parking of 85
vehicles with the left-hand wheels adjacent to and within twelve 86
inches of the left-hand curb of a one-way roadway. 87

(C) No vehicle or trackless trolley shall be stopped or 88
parked on a road or highway with the vehicle or trackless trolley 89
facing in a direction other than the direction of travel on that 90
side of the road or highway. 91

(D) Notwithstanding any statute or any rule, resolution, or 92
ordinance adopted by any local authority, air compressors, 93
tractors, trucks, and other equipment, while being used in the 94
construction, reconstruction, installation, repair, or removal of 95
facilities near, on, over, or under a street or highway, may stop, 96
stand, or park where necessary in order to perform such work, 97
provided a flagperson is on duty or warning signs or lights are 98
displayed as may be prescribed by the director of transportation. 99

(E) Special parking locations and privileges for persons with 100
disabilities that limit or impair the ability to walk, also known 101
as handicapped parking spaces or disability parking spaces, shall 102
be provided and designated by all political subdivisions and by 103
the state and all agencies and instrumentalities thereof at all 104
offices and facilities, where parking is provided, whether owned, 105
rented, or leased, and at all publicly owned parking garages. The 106
locations shall be designated through the posting of an elevated 107
sign, whether permanently affixed or movable, imprinted with the 108
international symbol of access and shall be reasonably close to 109
exits, entrances, elevators, and ramps. All elevated signs posted 110
in accordance with this division and division (C) of section 111

3781.111 of the Revised Code shall be mounted on a fixed or 112
movable post, and the distance from the ground to the top edge of 113
the sign shall measure five feet. If a new sign or a replacement 114
sign designating a special parking location is posted on or after 115
October 14, 1999, there also shall be affixed upon the surface of 116
that sign or affixed next to the designating sign a notice that 117
states the fine applicable for the offense of parking a motor 118
vehicle in the special designated parking location if the motor 119
vehicle is not legally entitled to be parked in that location. 120

(F)(1) No person shall stop, stand, or park any motor vehicle 121
at special parking locations provided under division (E) of this 122
section or at special clearly marked parking locations provided in 123
or on privately owned parking lots, parking garages, or other 124
parking areas and designated in accordance with that division, 125
unless one of the following applies: 126

(a) The motor vehicle is being operated by or for the 127
transport of a person with a disability that limits or impairs the 128
ability to walk and is displaying a valid removable windshield 129
placard or special license plates; 130

(b) The motor vehicle is being operated by or for the 131
transport of a handicapped person and is displaying a parking card 132
or special handicapped license plates. 133

(2) Any motor vehicle that is parked in a special marked 134
parking location in violation of division (F)(1)(a) or (b) of this 135
section may be towed or otherwise removed from the parking 136
location by the law enforcement agency of the political 137
subdivision in which the parking location is located. A motor 138
vehicle that is so towed or removed shall not be released to its 139
owner until the owner presents proof of ownership of the motor 140
vehicle and pays all towing and storage fees normally imposed by 141
that political subdivision for towing and storing motor vehicles. 142
If the motor vehicle is a leased vehicle, it shall not be released 143

to the lessee until the lessee presents proof that that person is 144
the lessee of the motor vehicle and pays all towing and storage 145
fees normally imposed by that political subdivision for towing and 146
storing motor vehicles. 147

(3) If a person is charged with a violation of division 148
(F)(1)(a) or (b) of this section, it is an affirmative defense to 149
the charge that the person suffered an injury not more than 150
seventy-two hours prior to the time the person was issued the 151
ticket or citation and that, because of the injury, the person 152
meets at least one of the criteria contained in division (A)(1) of 153
section 4503.44 of the Revised Code. 154

(G) When a motor vehicle is being operated by or for the 155
transport of a person with a disability that limits or impairs the 156
ability to walk and is displaying a removable windshield placard 157
or a temporary removable windshield placard or special license 158
plates, or when a motor vehicle is being operated by or for the 159
transport of a handicapped person and is displaying a parking card 160
or special handicapped license plates, the motor vehicle is 161
permitted to park for a period of two hours in excess of the legal 162
parking period permitted by local authorities, except where local 163
ordinances or police rules provide otherwise or where the vehicle 164
is parked in such a manner as to be clearly a traffic hazard. 165

(H) No owner of an office, facility, or parking garage where 166
special parking locations are required to be designated in 167
accordance with division (E) of this section shall fail to 168
properly do either of the following: 169

(1) Properly mark the special parking locations in accordance 170
with that division or ~~fail to~~ maintain the markings of the special 171
locations, including the erection and maintenance of the fixed or 172
movable signs; 173

(2) Remove snow or ice that obstructs access to the special 174

parking locations within twenty-four hours after the weather 175
condition causing the snow or ice ceases. 176

(I) Nothing in this section shall be construed to require a 177
person or organization to apply for a removable windshield placard 178
or special license plates if the parking card or special license 179
plates issued to the person or organization under prior law have 180
not expired or been surrendered or revoked. 181

(J)(1) Whoever violates division (A) or (C) of this section 182
is guilty of a minor misdemeanor. 183

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 184
section is guilty of a misdemeanor and shall be punished as 185
provided in division (J)(2)(a) and (b) of this section. Except as 186
otherwise provided in division (J)(2)(a) of this section, an 187
offender who violates division (F)(1)(a) or (b) of this section 188
shall be fined not less than two hundred fifty nor more than five 189
hundred dollars. An offender who violates division (F)(1)(a) or 190
(b) of this section shall be fined not more than one hundred 191
dollars if the offender, prior to sentencing, proves either of the 192
following to the satisfaction of the court: 193

(i) At the time of the violation of division (F)(1)(a) of 194
this section, the offender or the person for whose transport the 195
motor vehicle was being operated had been issued a removable 196
windshield placard that then was valid or special license plates 197
that then were valid but the offender or the person neglected to 198
display the placard or license plates as described in division 199
(F)(1)(a) of this section. 200

(ii) At the time of the violation of division (F)(1)(b) of 201
this section, the offender or the person for whose transport the 202
motor vehicle was being operated had been issued a parking card 203
that then was valid or special handicapped license plates that 204
then were valid but the offender or the person neglected to 205

display the card or license plates as described in division 206
(F)(1)(b) of this section. 207

(b) In no case shall an offender who violates division 208
(F)(1)(a) or (b) of this section be sentenced to any term of 209
imprisonment. 210

An arrest or conviction for a violation of division (F)(1)(a) 211
or (b) of this section does not constitute a criminal record and 212
need not be reported by the person so arrested or convicted in 213
response to any inquiries contained in any application for 214
employment, license, or other right or privilege, or made in 215
connection with the person's appearance as a witness. 216

The clerk of the court shall pay every fine collected under 217
division (J)(2) of this section to the political subdivision in 218
which the violation occurred. Except as provided in division 219
(J)(2) of this section, the political subdivision shall use the 220
fine moneys it receives under division (J)(2) of this section to 221
pay the expenses it incurs in complying with the signage and 222
notice requirements contained in division (E) of this section. The 223
political subdivision may use up to fifty per cent of each fine it 224
receives under division (J)(2) of this section to pay the costs of 225
educational, advocacy, support, and assistive technology programs 226
for persons with disabilities, and for public improvements within 227
the political subdivision that benefit or assist persons with 228
disabilities, if governmental agencies or nonprofit organizations 229
offer the programs. 230

(3) Whoever violates division (H)(1) of this section shall be 231
punished as follows: 232

(a) Except as otherwise provided in division (J)(3) of this 233
section, the offender shall be issued a warning. 234

(b) If the offender previously has been convicted of or 235
pleaded guilty to a violation of division (H)(1) of this section 236

or of a municipal ordinance that is substantially similar to that 237
division, the offender shall not be issued a warning but shall be 238
fined not more than twenty-five dollars for each parking location 239
that is not properly marked or whose markings are not properly 240
maintained. 241

(4) Whoever violates division (H)(2) of this section shall be 242
fined not less than two hundred fifty nor more than five hundred 243
dollars. 244

(K) As used in this section: 245

(1) "Handicapped person" means any person who has lost the 246
use of one or both legs or one or both arms, who is blind, deaf, 247
or so severely handicapped as to be unable to move without the aid 248
of crutches or a wheelchair, or whose mobility is restricted by a 249
permanent cardiovascular, pulmonary, or other handicapping 250
condition. 251

(2) "Person with a disability that limits or impairs the 252
ability to walk" has the same meaning as in section 4503.44 of the 253
Revised Code. 254

(3) "Special license plates" and "removable windshield 255
placard" mean any license plates or removable windshield placard 256
or temporary removable windshield placard issued under section 257
4503.41 or 4503.44 of the Revised Code, and also mean any 258
substantially similar license plates or removable windshield 259
placard or temporary removable windshield placard issued by a 260
state, district, country, or sovereignty. 261

Section 2. That existing sections 3781.111, 3781.99, and 262
4511.69 of the Revised Code are hereby repealed. 263

Section 3. Section 3781.111 of the Revised Code is presented 264
in this act as a composite of the section as amended by both Sub. 265
H.B. 148 and Am. H.B. 264 of the 123rd General Assembly. The 266

General Assembly, applying the principle stated in division (B) of 267
section 1.52 of the Revised Code that amendments are to be 268
harmonized if reasonably capable of simultaneous operation, finds 269
that the composite is the resulting version of the section in 270
effect prior to the effective date of the section as presented in 271
this act. 272