

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 204

Representatives Letson, Slesnick

**Cosponsors: Representatives Harris, Mallory, Dodd, Winburn, Yuko,
Skindell**

—

A B I L L

To amend section 4511.69 of the Revised Code to 1
permit a motorcycle operator to back the 2
motorcycle into an angled parking space. 3

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

Section 1. That section 4511.69 of the Revised Code be 4
amended to read as follows: 5

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 6
roadway where there is an adjacent curb shall be stopped or parked 7
with the right-hand wheels of the vehicle parallel with and not 8
more than twelve inches from the right-hand curb, unless it is 9
impossible to approach so close to the curb; in such case the stop 10
shall be made as close to the curb as possible and only for the 11
time necessary to discharge and receive passengers or to load or 12
unload merchandise. Local authorities by ordinance may permit 13
angle parking on any roadway under their jurisdiction, except that 14
angle parking shall not be permitted on a state route within a 15
municipal corporation unless an unoccupied roadway width of not 16
less than twenty-five feet is available for free-moving traffic. 17

(B) Local authorities by ordinance may permit parking of 18

vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) ~~No~~ (1) Except as provided in division (C)(2) of this section, no vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

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

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and division (C) of section 3781.111 of the Revised Code shall be mounted on a fixed or

movable post, and the distance from the ground to the top edge of 51
the sign shall measure five feet. If a new sign or a replacement 52
sign designating a special parking location is posted on or after 53
October 14, 1999, there also shall be affixed upon the surface of 54
that sign or affixed next to the designating sign a notice that 55
states the fine applicable for the offense of parking a motor 56
vehicle in the special designated parking location if the motor 57
vehicle is not legally entitled to be parked in that location. 58

(F)(1) No person shall stop, stand, or park any motor vehicle 59
at special parking locations provided under division (E) of this 60
section or at special clearly marked parking locations provided in 61
or on privately owned parking lots, parking garages, or other 62
parking areas and designated in accordance with that division, 63
unless one of the following applies: 64

(a) The motor vehicle is being operated by or for the 65
transport of a person with a disability that limits or impairs the 66
ability to walk and is displaying a valid removable windshield 67
placard or special license plates; 68

(b) The motor vehicle is being operated by or for the 69
transport of a handicapped person and is displaying a parking card 70
or special handicapped license plates. 71

(2) Any motor vehicle that is parked in a special marked 72
parking location in violation of division (F)(1)(a) or (b) of this 73
section may be towed or otherwise removed from the parking 74
location by the law enforcement agency of the political 75
subdivision in which the parking location is located. A motor 76
vehicle that is so towed or removed shall not be released to its 77
owner until the owner presents proof of ownership of the motor 78
vehicle and pays all towing and storage fees normally imposed by 79
that political subdivision for towing and storing motor vehicles. 80
If the motor vehicle is a leased vehicle, it shall not be released 81
to the lessee until the lessee presents proof that that person is 82

the lessee of the motor vehicle and pays all towing and storage 83
fees normally imposed by that political subdivision for towing and 84
storing motor vehicles. 85

(3) If a person is charged with a violation of division 86
(F)(1)(a) or (b) of this section, it is an affirmative defense to 87
the charge that the person suffered an injury not more than 88
seventy-two hours prior to the time the person was issued the 89
ticket or citation and that, because of the injury, the person 90
meets at least one of the criteria contained in division (A)(1) of 91
section 4503.44 of the Revised Code. 92

(G) When a motor vehicle is being operated by or for the 93
transport of a person with a disability that limits or impairs the 94
ability to walk and is displaying a removable windshield placard 95
or a temporary removable windshield placard or special license 96
plates, or when a motor vehicle is being operated by or for the 97
transport of a handicapped person and is displaying a parking card 98
or special handicapped license plates, the motor vehicle is 99
permitted to park for a period of two hours in excess of the legal 100
parking period permitted by local authorities, except where local 101
ordinances or police rules provide otherwise or where the vehicle 102
is parked in such a manner as to be clearly a traffic hazard. 103

(H) No owner of an office, facility, or parking garage where 104
special parking locations are required to be designated in 105
accordance with division (E) of this section shall fail to 106
properly mark the special parking locations in accordance with 107
that division or fail to maintain the markings of the special 108
locations, including the erection and maintenance of the fixed or 109
movable signs. 110

(I) Nothing in this section shall be construed to require a 111
person or organization to apply for a removable windshield placard 112
or special license plates if the parking card or special license 113
plates issued to the person or organization under prior law have 114

not expired or been surrendered or revoked. 115

(J)(1) Whoever violates division (A) or (C) of this section 116
is guilty of a minor misdemeanor. 117

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 118
section is guilty of a misdemeanor and shall be punished as 119
provided in division (J)(2)(a) and (b) of this section. Except as 120
otherwise provided in division (J)(2)(a) of this section, an 121
offender who violates division (F)(1)(a) or (b) of this section 122
shall be fined not less than two hundred fifty nor more than five 123
hundred dollars. An offender who violates division (F)(1)(a) or 124
(b) of this section shall be fined not more than one hundred 125
dollars if the offender, prior to sentencing, proves either of the 126
following to the satisfaction of the court: 127

(i) At the time of the violation of division (F)(1)(a) of 128
this section, the offender or the person for whose transport the 129
motor vehicle was being operated had been issued a removable 130
windshield placard that then was valid or special license plates 131
that then were valid but the offender or the person neglected to 132
display the placard or license plates as described in division 133
(F)(1)(a) of this section. 134

(ii) At the time of the violation of division (F)(1)(b) of 135
this section, the offender or the person for whose transport the 136
motor vehicle was being operated had been issued a parking card 137
that then was valid or special handicapped license plates that 138
then were valid but the offender or the person neglected to 139
display the card or license plates as described in division 140
(F)(1)(b) of this section. 141

(b) In no case shall an offender who violates division 142
(F)(1)(a) or (b) of this section be sentenced to any term of 143
imprisonment. 144

An arrest or conviction for a violation of division (F)(1)(a) 145

or (b) of this section does not constitute a criminal record and 146
need not be reported by the person so arrested or convicted in 147
response to any inquiries contained in any application for 148
employment, license, or other right or privilege, or made in 149
connection with the person's appearance as a witness. 150

The clerk of the court shall pay every fine collected under 151
division (J)(2) of this section to the political subdivision in 152
which the violation occurred. Except as provided in division 153
(J)(2) of this section, the political subdivision shall use the 154
fine moneys it receives under division (J)(2) of this section to 155
pay the expenses it incurs in complying with the signage and 156
notice requirements contained in division (E) of this section. The 157
political subdivision may use up to fifty per cent of each fine it 158
receives under division (J)(2) of this section to pay the costs of 159
educational, advocacy, support, and assistive technology programs 160
for persons with disabilities, and for public improvements within 161
the political subdivision that benefit or assist persons with 162
disabilities, if governmental agencies or nonprofit organizations 163
offer the programs. 164

(3) Whoever violates division (H) of this section shall be 165
punished as follows: 166

(a) Except as otherwise provided in division (J)(3) of this 167
section, the offender shall be issued a warning. 168

(b) If the offender previously has been convicted of or 169
pleaded guilty to a violation of division (H) of this section or 170
of a municipal ordinance that is substantially similar to that 171
division, the offender shall not be issued a warning but shall be 172
fined not more than twenty-five dollars for each parking location 173
that is not properly marked or whose markings are not properly 174
maintained. 175

(K) As used in this section: 176

(1) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping 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) "Special license plates" and "removable windshield placard" mean any license plates or 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.

Section 2. That existing section 4511.69 of the Revised Code is hereby repealed.