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Sub. H. B. No. 39

Representative Fende

**Cosponsors: Representatives Hagan, Pillich, Yuko, Brown, Skindell, Boyd,
Winburn, Harris, Letson, Celeste, Chandler, DeBose, Domenick, Driehaus,
Foley, Harwood, Heard, Koziura, Reece, Stewart, Ujvagi, Weddington,
Williams, B.**

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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 and to name the act "The 4
Thomas P. Ashbrock Memorial Act." 5

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

Section 1. That sections 3781.111, 3781.99, and 4511.69 of 6
the Revised Code be amended to read as follows: 7

Sec. 3781.111. (A) In addition to the powers conferred by any 8
other section of the Revised Code, the board of building standards 9
shall adopt standards and rules to facilitate the reasonable 10
access and use by all persons with a disability of all buildings 11
and the facilities of buildings for which plans are submitted for 12
approval under section 3791.04 of the Revised Code. No standard or 13
rule shall be applied to any building the plans or drawings, 14
specifications, and date of which have been approved prior to the 15
time that the standard or rule takes effect. 16

(B)(1) Except as otherwise provided in this section, the standards and rules adopted by the board pursuant to this section shall be in accordance with the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, and the "Fair Housing Amendments Act of 1988," 102 Stat. 1619, 42 U.S.C.A. 3601, as amended.

(2) For purposes of enforcement by the Ohio civil rights commission only, approval of a plan as required under section 3791.04 of the Revised Code creates a rebuttable presumption that the plans, drawings, specifications, or data submitted are in compliance with the rules adopted by the board pursuant to this section as they relate to accessibility.

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

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

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

(1) Properly mark the special parking locations as required by those standards and rules or ~~fail to~~ maintain the markings of the special parking locations, including the erection and maintenance of the fixed or movable signs;

(2) Remove snow or ice that obstructs access to the special parking locations if snow or ice has been removed from nonspecial parking locations that are located in the same parking area as the special parking locations.

(F) The board annually shall provide statewide training on the rules adopted by the board pursuant to this section as they relate to accessibility for nonresidential building department personnel certified by the board who approve, review plans, and inspect nonresidential construction.

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

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

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

~~(C)~~(D) Whoever violates this chapter or any rule adopted or 79
order issued pursuant to it that relates to the construction, 80
alteration, or repair of any building, and the violation is 81
detrimental to the health, safety, or welfare of any person, is 82
guilty of a minor misdemeanor. 83

Sec. 4511.69. (A) Every vehicle stopped or parked upon a 84
roadway where there is an adjacent curb shall be stopped or parked 85
with the right-hand wheels of the vehicle parallel with and not 86
more than twelve inches from the right-hand curb, unless it is 87
impossible to approach so close to the curb; in such case the stop 88
shall be made as close to the curb as possible and only for the 89
time necessary to discharge and receive passengers or to load or 90
unload merchandise. Local authorities by ordinance may permit 91
angle parking on any roadway under their jurisdiction, except that 92
angle parking shall not be permitted on a state route within a 93
municipal corporation unless an unoccupied roadway width of not 94
less than twenty-five feet is available for free-moving traffic. 95

(B) Local authorities by ordinance may permit parking of 96
vehicles with the left-hand wheels adjacent to and within twelve 97
inches of the left-hand curb of a one-way roadway. 98

(C) No vehicle or trackless trolley shall be stopped or 99
parked on a road or highway with the vehicle or trackless trolley 100
facing in a direction other than the direction of travel on that 101
side of the road or highway. 102

(D) Notwithstanding any statute or any rule, resolution, or 103
ordinance adopted by any local authority, air compressors, 104
tractors, trucks, and other equipment, while being used in the 105
construction, reconstruction, installation, repair, or removal of 106
facilities near, on, over, or under a street or highway, may stop, 107
stand, or park where necessary in order to perform such work, 108
provided a flagperson is on duty or warning signs or lights are 109

displayed as may be prescribed by the director of transportation. 110

(E) Special parking locations and privileges for persons with 111
disabilities that limit or impair the ability to walk, also known 112
as handicapped parking spaces or disability parking spaces, shall 113
be provided and designated by all political subdivisions and by 114
the state and all agencies and instrumentalities thereof at all 115
offices and facilities, where parking is provided, whether owned, 116
rented, or leased, and at all publicly owned parking garages. The 117
locations shall be designated through the posting of an elevated 118
sign, whether permanently affixed or movable, imprinted with the 119
international symbol of access and shall be reasonably close to 120
exits, entrances, elevators, and ramps. All elevated signs posted 121
in accordance with this division and division (C) of section 122
3781.111 of the Revised Code shall be mounted on a fixed or 123
movable post, and the distance from the ground to the top edge of 124
the sign shall measure five feet. If a new sign or a replacement 125
sign designating a special parking location is posted on or after 126
October 14, 1999, there also shall be affixed upon the surface of 127
that sign or affixed next to the designating sign a notice that 128
states the fine applicable for the offense of parking a motor 129
vehicle in the special designated parking location if the motor 130
vehicle is not legally entitled to be parked in that location. 131

(F)(1) No person shall stop, stand, or park any motor vehicle 132
at special parking locations provided under division (E) of this 133
section or at special clearly marked parking locations provided in 134
or on privately owned parking lots, parking garages, or other 135
parking areas and designated in accordance with that division, 136
unless one of the following applies: 137

(a) The motor vehicle is being operated by or for the 138
transport of a person with a disability that limits or impairs the 139
ability to walk and is displaying a valid removable windshield 140
placard or special license plates; 141

(b) The motor vehicle is being operated by or for the 142
transport of a handicapped person and is displaying a parking card 143
or special handicapped license plates. 144

(2) Any motor vehicle that is parked in a special marked 145
parking location in violation of division (F)(1)(a) or (b) of this 146
section may be towed or otherwise removed from the parking 147
location by the law enforcement agency of the political 148
subdivision in which the parking location is located. A motor 149
vehicle that is so towed or removed shall not be released to its 150
owner until the owner presents proof of ownership of the motor 151
vehicle and pays all towing and storage fees normally imposed by 152
that political subdivision for towing and storing motor vehicles. 153
If the motor vehicle is a leased vehicle, it shall not be released 154
to the lessee until the lessee presents proof that that person is 155
the lessee of the motor vehicle and pays all towing and storage 156
fees normally imposed by that political subdivision for towing and 157
storing motor vehicles. 158

(3) If a person is charged with a violation of division 159
(F)(1)(a) or (b) of this section, it is an affirmative defense to 160
the charge that the person suffered an injury not more than 161
seventy-two hours prior to the time the person was issued the 162
ticket or citation and that, because of the injury, the person 163
meets at least one of the criteria contained in division (A)(1) of 164
section 4503.44 of the Revised Code. 165

(G) When a motor vehicle is being operated by or for the 166
transport of a person with a disability that limits or impairs the 167
ability to walk and is displaying a removable windshield placard 168
or a temporary removable windshield placard or special license 169
plates, or when a motor vehicle is being operated by or for the 170
transport of a handicapped person and is displaying a parking card 171
or special handicapped license plates, the motor vehicle is 172
permitted to park for a period of two hours in excess of the legal 173

parking period permitted by local authorities, except where local 174
ordinances or police rules provide otherwise or where the vehicle 175
is parked in such a manner as to be clearly a traffic hazard. 176

(H)(1) No owner of an office, facility, or parking garage 177
where special parking locations are required to be designated in 178
accordance with division (E) of this section shall fail to 179
properly do either of the following: 180

(a) Properly mark the special parking locations in accordance 181
with that division or ~~fail to~~ maintain the markings of the special 182
locations, including the erection and maintenance of the fixed or 183
movable signs; 184

(b) Remove snow or ice that obstructs access to the special 185
parking locations if snow or ice has been removed from nonspecial 186
parking locations that are located in the same parking area as the 187
special parking locations. 188

(2) No political subdivision of the state shall fail to 189
remove snow or ice that obstructs access to a special parking 190
location if snow or ice has been removed from a public road on 191
which the special parking location is located and if the political 192
subdivision has jurisdiction over the public road and the special 193
parking location. 194

(I) Nothing in this section shall be construed to require a 195
person or organization to apply for a removable windshield placard 196
or special license plates if the parking card or special license 197
plates issued to the person or organization under prior law have 198
not expired or been surrendered or revoked. 199

(J)(1) Whoever violates division (A) or (C) of this section 200
is guilty of a minor misdemeanor. 201

(2)(a) Whoever violates division (F)(1)(a) or (b) of this 202
section is guilty of a misdemeanor and shall be punished as 203
provided in division (J)(2)(a) and (b) of this section. Except as 204

otherwise provided in division (J)(2)(a) of this section, an 205
offender who violates division (F)(1)(a) or (b) of this section 206
shall be fined not less than two hundred fifty nor more than five 207
hundred dollars. An offender who violates division (F)(1)(a) or 208
(b) of this section shall be fined not more than one hundred 209
dollars if the offender, prior to sentencing, proves either of the 210
following to the satisfaction of the court: 211

(i) At the time of the violation of division (F)(1)(a) of 212
this section, the offender or the person for whose transport the 213
motor vehicle was being operated had been issued a removable 214
windshield placard that then was valid or special license plates 215
that then were valid but the offender or the person neglected to 216
display the placard or license plates as described in division 217
(F)(1)(a) of this section. 218

(ii) At the time of the violation of division (F)(1)(b) of 219
this section, the offender or the person for whose transport the 220
motor vehicle was being operated had been issued a parking card 221
that then was valid or special handicapped license plates that 222
then were valid but the offender or the person neglected to 223
display the card or license plates as described in division 224
(F)(1)(b) of this section. 225

(b) In no case shall an offender who violates division 226
(F)(1)(a) or (b) of this section be sentenced to any term of 227
imprisonment. 228

An arrest or conviction for a violation of division (F)(1)(a) 229
or (b) of this section does not constitute a criminal record and 230
need not be reported by the person so arrested or convicted in 231
response to any inquiries contained in any application for 232
employment, license, or other right or privilege, or made in 233
connection with the person's appearance as a witness. 234

The clerk of the court shall pay every fine collected under 235

division (J)(2) of this section to the political subdivision in 236
which the violation occurred. Except as provided in division 237
(J)(2) of this section, the political subdivision shall use the 238
fine moneys it receives under division (J)(2) of this section to 239
pay the expenses it incurs in complying with the signage and 240
notice requirements contained in division (E) of this section. The 241
political subdivision may use up to fifty per cent of each fine it 242
receives under division (J)(2) of this section to pay the costs of 243
educational, advocacy, support, and assistive technology programs 244
for persons with disabilities, and for public improvements within 245
the political subdivision that benefit or assist persons with 246
disabilities, if governmental agencies or nonprofit organizations 247
offer the programs. 248

(3) Whoever violates division (H)(1)(a) of this section shall 249
be punished as follows: 250

(a) Except as otherwise provided in division (J)(3) of this 251
section, the offender shall be issued a warning. 252

(b) If the offender previously has been convicted of or 253
pleaded guilty to a violation of division (H)(1)(a) of this 254
section or of a municipal ordinance that is substantially similar 255
to that division, the offender shall not be issued a warning but 256
shall be fined not more than twenty-five dollars for each parking 257
location that is not properly marked or whose markings are not 258
properly maintained. 259

(4) Whoever violates division (H)(1)(b) of this section shall 260
be fined not less than two hundred fifty nor more than five 261
hundred dollars. 262

(K) As used in this section: 263

(1) "Handicapped person" means any person who has lost the 264
use of one or both legs or one or both arms, who is blind, deaf, 265
or so severely handicapped as to be unable to move without the aid 266

of crutches or a wheelchair, or whose mobility is restricted by a 267
permanent cardiovascular, pulmonary, or other handicapping 268
condition. 269

(2) "Person with a disability that limits or impairs the 270
ability to walk" has the same meaning as in section 4503.44 of the 271
Revised Code. 272

(3) "Special license plates" and "removable windshield 273
placard" mean any license plates or removable windshield placard 274
or temporary removable windshield placard issued under section 275
4503.41 or 4503.44 of the Revised Code, and also mean any 276
substantially similar license plates or removable windshield 277
placard or temporary removable windshield placard issued by a 278
state, district, country, or sovereignty. 279

Section 2. That existing sections 3781.111, 3781.99, and 280
4511.69 of the Revised Code are hereby repealed. 281

Section 3. This act shall be known as "The Thomas P. Ashbrock 282
Memorial Act." 283