



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [Sub. H.B. 39 of the 128th G.A.](#)

Date: April 15, 2010

Status: As Passed by the House

Sponsor: Rep. Fende

Local Impact Statement Procedure Required: No — Minimal Cost

Contents: Requires disability parking spaces to be cleared of snow and ice under certain conditions

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill requires that snow or ice that obstructs access to parking locations designated for disability use be removed if snow or ice has been removed from other parking locations within the same parking area. This requirement applies to political subdivisions as well as private owners. The bill creates a fine of between \$250 and \$500 for any violations of this provision. The revenue generated by these fines would be retained by the political subdivision that issued the fines.
- Presumably, county, municipal, and township crews already clear disability parking spaces in parking areas for public buildings and would thus incur little or no new cost for complying with this requirement.
- The bill requires a political subdivision to remove snow or ice that obstructs access to a disability parking location if the location is on a road or parking area that has already been cleared. Political subdivisions would thus incur some new costs for ensuring that access to these spaces is clear; however, these costs are difficult to quantify.

Detailed Fiscal Analysis

The bill makes changes to the law related to the removal of snow and ice from parking spaces designated for use by the disabled. Specifically, the bill requires that the owner of any building or facility clear snow and ice from disability parking locations if other parking spaces within the parking area have been cleared and imposes a fine of between \$250 and \$500 for any violation. The bill also requires a political subdivision to remove snow or ice that obstructs access to a disability parking location if the location is on a road or parking area that has already been cleared. This provision could lead to higher snow and ice removal costs for political subdivisions, especially municipalities.

Impact on political subdivisions

Roads

Political subdivisions, especially municipalities, could incur new costs for assuring the accessibility of disabled parking spaces along roads and within parking areas that have been cleared of snow or ice. In the city of Columbus, for example, there are over 2,000 parking places reserved for disabled use, many of these, however, are located on residential streets. City policy is to clear snow from roads in these areas only after four inches or more of snow has fallen. Because such heavy snowfalls are infrequent, this means that snow removal crews do not typically operate in these neighborhoods. Under these circumstances, the city would not incur substantial new costs to comply with the bill. Major roadways, however, are cleared on a more frequent basis. Thus, the city would incur new costs for clearing parking spaces for the disabled along these routes. The bill does not provide a penalty for failing to comply with this requirement.

Parking areas

The bill would also affect political subdivisions that own and maintain parking lots for use by their employees and visitors. Although it is general practice among the political subdivisions contacted by LSC to remove snow and ice within 24 hours, political subdivisions where this is not always the case could incur some new costs for making sure that disabled parking locations are usable.

State buildings

The Ohio Building Authority (OBA) and the Department of Administrative Services (DAS) are responsible for the majority of parking spaces owned and maintained by the state. OBA oversees parking associated with five state buildings in Columbus, Cleveland, Toledo, and Akron. All OBA parking spaces are covered and would therefore most likely not be affected by inclement weather conditions. The Office of Properties and Facilities in DAS is responsible for clearing snow from uncovered parking spaces at the additional state-owned buildings in Columbus. DAS maintains four state buildings in Columbus, including the Governor's residence.

Because DAS's current policy is to clear these parking spaces within 24 hours of snowfall, the bill would not likely impose new costs on the agency.

Penalties and fines

Under the bill, political subdivisions and other building owners who are currently required to maintain disabled parking places and do not assure that these places have been cleared are subject to a fine of between \$250 and \$500. Like other parking violations, the fines would be issued by parking enforcement officers or police officers. Any revenue generated from the fine would be retained by the political subdivision that issues the violation. The amount of revenue that the new fine would generate is difficult to determine and would largely depend on enforcement. The law would probably be enforced selectively, as police officers are more likely to focus on other matters, such as traffic control and accident reports, in the aftermath of a snow or ice storm. Therefore, the penalty is unlikely to generate a significant amount of new revenues.

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