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Bill Analysis

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Primary Sponsor: Rep. Wiggam

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SUMMARY

Accessible parking laws

- Changes all references to “handicapped parking” or “handicapped license plates” to “accessible parking” and “accessible license plates.”
- Reorganizes and clarifies the laws related to the issuance of accessible license plates, removable windshield placards, and accessible parking spaces.

Accessible parking enforcement

- Removes many of the criminal penalties for violations of the accessible parking laws and replaces the criminal penalties with civil penalties.
- Creates a state-wide civil enforcement system for issuing tickets for accessible parking violations.
- Creates a Volunteer Accessible Parking Enforcement Force (VAPEF) trained by the Director of Public Safety through a program established by the Director.
- Authorizes local law enforcement agencies to utilize VAPEF volunteers to record and submit photographic evidence of accessible parking law violations for local law enforcement to use through the civil accessible parking law enforcement system established by the bill.
- Increases the current (criminal) fines for violating the accessible parking laws, which range from \$250 to \$500, to civil fines ranging from \$250 to \$750, depending on prior violations.
- Makes knowingly blocking an access aisle and preventing a person from entering or exiting his or her vehicle a third degree misdemeanor.

- Redirects fine money collected from accessible parking violations from 100% local distribution (but restricted to specified purposes) to 50% local distribution (with no restriction on usage) and 50% to the newly created Accessible Parking Violations Fund.
- Requires 25% of the newly created fund to be used by the Director to administer the volunteer program, to collect data related to accessible parking violations, and to assist local law enforcement in enforcing the accessible parking laws.
- Requires 75% of the fund to be used by the Superintendent of Public Instruction to provide annual grants to a nonprofit corporation that creates, expands, and oversees interscholastic adaptive sports specifically for youth with physical disabilities.

Accessible parking violations

- Modifies and clarifies the current prohibition related to illegally parking in an accessible parking space or access aisle.
- Adds a prohibition against a person parking in an accessible parking space if the person who is disabled will either be dropped off and picked up at the entrance to the building or left in the motor vehicle.
- Adds a prohibition against blocking ramps, curb cuts, accessible routes, and other access points.

Accessible parking spaces

- Modifies and clarifies the current laws surrounding who must provide accessible parking and the accompanying signage.
- Adds the requirement that accessible parking spaces, curb cuts, and access points must be maintained by removing unreasonable obstructions within a specified period of time or providing other suitable alternative arrangements.

Accessible license plates and removable windshield placards

- Modifies and clarifies current laws pertaining to the application, issuance, and appearance of accessible license plates and removable windshield placards.
- Modifies and clarifies the accompanying authorizations and requirements for properly using the plates and placards, and the prohibitions and penalties for the misuse of the plates and placards.
- Changes the requirements that apply to health care providers when verifying that a person is eligible for an accessible license plate or placard.

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DETAILED ANALYSIS

Accessible parking laws

Introduction

Under current law, parking spaces available to a person with a disability that limits or impairs the ability to walk are referred to as “handicapped parking spaces.” In recent years, however, a growing movement has emerged to refer to the parking spaces as “accessible parking.” Thus, the bill changes the terminology to “accessible parking” throughout Ohio law and reorganizes the statutes governing accessible parking to clarify their requirements. Additionally, the bill expands the penalties and the available means for enforcement of violations of the accessible parking laws, including the creation of a Volunteer Accessible Parking Enforcement Force and a civil penalty system.

Volunteer Accessible Parking Enforcement Force

The bill creates a new parking enforcement group of volunteers, trained by the Department of Public Safety, specifically authorized to submit photographic evidence of violations of the accessible parking laws to local law enforcement. The volunteers for the Volunteer Accessible Parking Enforcement Force (VAPEF) must be at least 21, have no prior felony convictions, and successfully complete a training program established by the Department. During the training program, the Department must train the volunteers on the general administrative rules, statutory laws, and proper procedures governing the volunteer accessible parking enforcement force, the role of the judicial system as it relates to parking regulation and enforcement, as well as other skills they might need for the volunteer role (e.g., personal safety and ethics, human interaction, first aid, etc.).

After successful completion of their training, local law enforcement agencies may utilize the volunteers to record and submit photographic evidence of accessible parking law violations for local law enforcement to use through the civil accessible parking law enforcement system established by the bill (see “**Civil enforcement system**” below). A volunteer is *not* authorized to issue tickets or citations for the violations. A volunteer assumes all liability for

participating in the training program and working with local law enforcement. The volunteer must sign a form, created by the Department, that holds the state, including the Department, and the local jurisdiction and law enforcement agency harmless from any damage claims resulting from the performance of assigned duties.¹

The Department must track the number of volunteers trained through the program and the expenses incurred by the Department in administering the program. The Director may adopt any rules necessary to establish and administer the training program.²

Civil enforcement system

Under current law, parking regulations and enforcement are left primarily to local governments. State law establishes criminal penalties for violations of general and accessible parking requirements. It also establishes a local option for civil penalties.³ The bill retains the criminal penalties for general parking violations, but makes the majority of accessible parking violations a civil violation with corresponding civil penalties.⁴ Additionally, the bill creates a new civil enforcement system, similar to the civil red light and speed camera system.⁵ Local governments can either continue to use their current civil penalty process or use the new system created by the bill.⁶

Under the new civil enforcement system created by the bill, when a law enforcement officer witnesses an accessible parking law violation, the officer may issue a civil ticket for the violation. The officer must take at least one picture of the violation that demonstrates that a violation occurred. The picture also must include an image of the motor vehicle and the license plate. If the operator of the motor vehicle is present at the time, the law enforcement officer may issue the ticket personally to the operator. If the operator is not present, then the officer may issue a ticket and must leave a copy of the ticket on the vehicle addressed to the owner of the vehicle. Upon issuing a ticket, an officer must submit the original and the photos to the applicable law enforcement agency.⁷

In addition to the actions of law enforcement, the bill also authorizes a volunteer of the VAPEF (if authorized by the local law enforcement agency) to take photos of an accessible parking violation witnessed by the volunteer. The volunteer must ensure that any photos capture the motor vehicle, the license plate, the location of the violation, and demonstrate that

¹ R.C. 4511.694.

² R.C. 4511.694(G).

³ R.C. 4511.69 and Chapter 4521.

⁴ R.C. 4511.692.

⁵ R.C. 4511.694 through 4511.699.

⁶ R.C. 4521.01 and 4521.02.

⁷ R.C. 4511.695 and 4511.696.

an accessible parking law violation occurred. The volunteer must submit the photos to the law enforcement agency utilizing the volunteer within 24 hours of the witnessed violation.⁸

After submission of the ticket to the law enforcement agency, the process unfolds similarly to the process for other civil traffic tickets. If the operator was not present when the ticket was issued, the agency must find the record owner of the motor vehicle. Within 30 days of the parking violation, the agency must mail a ticket either to the operator or to the owner of the motor vehicle (if the operator at the time of the violation was not known). A certified copy of the ticket must be filed with the municipal court, county court, or parking violations bureau with jurisdiction in that area. The ticket must contain specified information pertaining to the details of the violation and the process the recipient must take to either admit to liability and pay the civil penalty or disclaim liability through either an affidavit or personal appearance in court. Generally, a person may disclaim liability by providing, through an affidavit, the following information:

1. A statement that either the owner, the operator, or the person being transported in the motor vehicle, at the time of the violation, had a valid accessible license plate or removable windshield placard, but the owner or operator neglected to display the valid or the correct license plate or placard at the time of the violation;
2. If the ticket is issued to the registered owner, a statement that another person was operating the vehicle at the time of the violation; or
3. A statement that the motor vehicle was stolen at the time of the violation. The person must submit a police report regarding the stolen vehicle along with the affidavit.⁹

If liability is disclaimed, either the law enforcement agency must issue a new ticket to the operator of the vehicle at the time of the violation, or the court must determine liability through a hearing.¹⁰

Penalty changes

Generally, the bill replaces the current criminal penalties under state law for accessible parking violations with civil penalties. Additionally, the bill redirects the money collected from the tickets issued for accessible parking violations to the Accessible Parking Violations Fund, created by the bill. The changes to the penalties are summarized in the table below.

⁸ R.C. 4511.696.

⁹ R.C. 4511.696 through 4511.698.

¹⁰ R.C. 4511.699.

Table 1: Penalties for accessible parking violations

Current law	H.B. 31
Penalties	
<p>Illegally parking in an accessible parking space – Results in the following <i>criminal</i> penalties:</p> <ol style="list-style-type: none"> 1. Misdemeanor; 2. Fine between \$250 - \$500; 3. No prison term and violation is not part of the offender’s criminal record (not reportable for license or employment purposes). <i>R.C. 4511.69(J)(2)(a) and (b)</i>. <p>Affirmative defenses – Person charged with violation may make the following affirmative defenses:</p> <ol style="list-style-type: none"> 1. The person had a valid identification authorizing accessible parking (e.g., a removable windshield placard), but failed to display it on the vehicle at the time of the violation – may still result in a \$100 fine. <i>R.C. 4511.69(J)(2)(a)(i) and (ii)</i>. 2. The person suffered an injury less than 72 hours prior to the violation that would qualify that person to receive accessible parking privileges. <i>R.C. 4511.69(F)(1)(c)</i>. 	<p>Illegally parking in an accessible parking space – Results in the following <i>civil</i> penalties:</p> <ol style="list-style-type: none"> 1. For first offense: \$250; 2. For second offense: between \$250 - \$500; 3. For third or more offense: between \$500 - \$750. <i>R.C. 4511.692(A) and (G)(1)</i>. <p>Affirmative defenses – Person charged with violation may make the following affirmative defenses:</p> <ol style="list-style-type: none"> 1. Same, but must provide the identification within 30 days of receiving the ticket; possible \$100 fine eliminated. <i>R.C. 4511.69(G)(2)</i>. 2. No provision.
<p>Illegally parking in an access aisle – Results in the following <i>criminal</i> penalties:</p> <ol style="list-style-type: none"> 1. Fine between \$250 - \$500; 2. No prison term and violation is not part of the offender’s criminal record (not reportable for license or employment purposes). <i>R.C. 4511.69(J)(3)</i>. 	<p>Illegally parking in an access aisle – Results in the following <i>civil</i> penalties:</p> <ol style="list-style-type: none"> 1. For first offense: \$250; 2. For second offense: between \$250 - \$500; 3. For third or more offense: between \$500 - \$750. <i>R.C. 4511.692(D) and (G)(1)</i>. <p>However, if the offender <i>knowingly</i> parks in the access aisle <i>and</i> the offense prevents a person with a disability that limits or impairs the ability to walk from being able to enter/exit his or her vehicle, third degree misdemeanor (with corresponding criminal penalties). <i>R.C. 4511.692(J)</i>.</p>

Table 1: Penalties for accessible parking violations

Current law	H.B. 31
<p>Towing – Law enforcement may order a motor vehicle illegally parked in an accessible parking space towed or otherwise removed from the space. The offender must then pay any associated towing and storage fees. <i>R.C. 4511.69(F)(1)(b)</i>.</p> <p>Other penalties – No provision.</p>	<p>Towing – Same, but owner of the parking area in which the motor vehicle is illegally parked may also order the tow. <i>R.C. 4511.692(B)</i>.</p> <p>Other penalties – Imposes the following additional penalties:</p> <ol style="list-style-type: none"> 1. New offenses described in Table 2 below are subject to the same civil penalties described for illegally parking in accessible parking space. <i>R.C. 4511.692(G)(1)</i>. 2. All violations must be reported to the Registrar of Motor Vehicles. <i>R.C. 4511.692(H)(2)</i>.
The Accessible Parking Violations Fund	
<p>Distribution of accessible parking violation fines – Distributed to the political subdivision in which the violation occurred. Currently, the political subdivision may use the money to pay for the required signage and notice surrounding accessible parking spaces. Additionally, it may use up to 50% of the money to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer those programs. <i>R.C. 4511.69(J)(2)(b)</i>.</p>	<p>Distribution of accessible parking violation fines – Distributed 50% to the political subdivision in which the violation occurred, to be used for any purpose, and 50% to the state Accessible Parking Violations Fund, created by the bill. <i>R.C. 4511.692(I)</i>.</p>
<p>Accessible Parking Violations Fund – No provision.</p>	<p>Accessible Parking Violations Fund – Creates the fund to be administered by the Director of Public Safety and the Superintendent of Education. Specifies that the fund is to be distributed as follows:</p> <ul style="list-style-type: none"> ▪ 25% to the Director of Public Safety to be used to administer the Volunteer Accessible Parking Enforcement Training

Table 1: Penalties for accessible parking violations

Current law	H.B. 31
<p>Annual report – No provision.</p>	<p>Program, to collect data related to accessible parking violations, and to assist local law enforcement in enforcing the accessible parking laws;</p> <ul style="list-style-type: none"> ▪ 75% to the Superintendent of Public Instruction to be used to provide annual grants to a nonprofit corporation that creates, expands, and oversees interscholastic adaptive sports specifically for youth with physical disabilities. The Superintendent is responsible for picking the nonprofit corporation to receive the grant and how much money is given through the grant. <i>R.C. 4511.693.</i> <p>Annual report – Requires the Superintendent to provide an annual report by December 31 to the General Assembly describing:</p> <ol style="list-style-type: none"> 1. The entity that received the grant that year and how much money was given through the grant; 2. The activities that were carried out by the entity with the grant money; and 3. The goals and objectives of the entity that were achieved because of the grant money. <i>R.C. 4511.693.</i>

Modification of accessible parking violations

The bill modifies and expands what constitutes an accessible parking violation. The following table describes those modifications and new provisions.

Table 2: Accessible parking violations	
Current law	H.B. 31
Parking in an accessible parking space	
<p>Prohibition – No person may stop, stand, or park in a “special parking location” or “special clearly marked parking location” unless one of the following applies:</p> <ol style="list-style-type: none"> 1. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or license plates; or 2. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a valid parking card or license plates. <i>R.C. 4511.69(F)(1)(a).</i> <p>Parking card – Was once an acceptable form of identification demonstrating that a person had accessible parking privileges. <i>R.C. 4511.69(F)(1)(a)(ii).</i></p>	<p>Prohibition – No person may stop, stand, or park in an accessible parking space unless both of the following apply:</p> <ol style="list-style-type: none"> 1. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk; and 2. The motor vehicle is displaying a valid accessible license plate or removable windshield placard issued to the person or organization operating the motor vehicle or being transported by the motor vehicle. <i>R.C. 4511.692(A).</i> <p>(Authorization related to “handicapped person” is no longer necessary because the definition of “handicapped person” is encompassed by “person with a disability that limits or impairs the ability to walk.”)</p> <p>Parking card – Removes all references to the card, which is no longer issued by the Bureau of Motor Vehicles.</p>
Other accessible parking restrictions	
<p>Access aisle – No person may stop, stand, or park in an access aisle. <i>R.C. 4511.69(F)(2).</i></p> <p>Dropping off/Parking – No provision.</p>	<p>Access aisle – Same, but emphasizes that prohibition also applies even if someone has been issued a valid accessible license plate or removable windshield placard. <i>R.C. 4511.692(D).</i></p> <p>Dropping off/Parking – No person may park in an accessible parking space when the person with the disability that limits or impairs the ability to walk will either:</p> <ol style="list-style-type: none"> 1. Be dropped off and picked up at the entrance to the public place of accommodation; or

Table 2: Accessible parking violations	
Current law	H.B. 31
<p>Ramp, curb cut, access entrance, or accessible route – No provision.</p> <p>Two-hour allowance – Authorizes a person with accessible parking privileges to park for an additional two hours beyond the authorized time for a location, unless local ordinances or police rules state otherwise or the motor vehicle would be a traffic hazard. <i>R.C. 4511.69(G)</i>.</p>	<p>2. Will not be entering/exiting the vehicle while it is parked. <i>R.C. 4511.692(C)</i>.</p> <p>Ramp, curb cut, access entrance, or accessible route – No person may stop, stand, or park in front of any of the accessible access points listed, including someone with valid parking privileges. <i>R.C. 4511.692(E)</i>.</p> <p>Two-hour allowance – Same, but language moved. <i>R.C. 4511.692(F)</i>.</p>

Accessible parking spaces

The bill modifies, reorganizes, and clarifies the laws pertaining to the designation of accessible parking spaces. Most requirements for accessible parking spaces come from the federal Americans with Disabilities Act, and the bill does not change any of those requirements. The following table describes the bill’s modifications.

Table 3: Accessible parking spaces	
Current law	H.B. 31
Accessible parking spaces	
<p>Who must provide the spaces – All political subdivisions and the state (all agencies and instrumentalities thereof) at all offices and facilities where parking is provided (regardless of whether the space is owned, rented, or leased). All public parking garages. Spaces must be reasonably close to exits, entrances, elevators, and ramps. <i>R.C. 4511.69(E)</i>.</p> <p>Signage – Elevated sign (permanent or movable) must be printed with the International Symbol of Access, with a minimum of five feet between the ground and the bottom edge of the sign. The</p>	<p>Who must provide the spaces – Same, but adds in all “places of public accommodation” (e.g., businesses) required to provide accessible parking spaces under federal law and defines them as a “required entity.” <i>R.C. 4511.691(A)(4) and (6) and (B)</i>.</p> <p>Signage – Same, but language moved. <i>R.C. 4511.691(C)</i>.</p>

Table 3: Accessible parking spaces

Current law	H.B. 31
<p>amount of the applicable fine must also be either on the sign or next to it. <i>R.C. 4511.69(E)</i>.</p> <p>Penalty – Failing to properly provide the spaces or maintain the markings is a warning for a first offense and a \$25 fine per parking space. <i>R.C. 4511.69(H) and (J)(4)</i>.</p>	<p>Penalty – Same, but adds a penalty for failing to maintain access to the parking spaces (see “Maintain access to accessible parking and other accommodations” below) as well. All fines must be deposited into the Accessible Parking Violations Fund. <i>R.C. 4511.691(D) and (F)</i>.</p>
Maintain access to accessible parking and other accommodations	
<p>Maintain access – No provision.</p> <p>Means to maintain access – No provision.</p>	<p>Maintain access – A required entity must maintain access to the accessible parking spaces, access aisles, curb cuts, and other features designed to provide access to a person with a disability that limits or impairs the ability to walk. <i>R.C. 4511.691(D)(3)</i>.</p> <p>Means to maintain access – Specifies that maintaining access may entail:</p> <ol style="list-style-type: none"> 1. Removing any unreasonable obstruction. If the obstruction is the result of an adverse weather event (e.g., snow or heavy winds), the required entity has 24 hours in which to remove the obstruction after the conclusion of the adverse weather event. 2. If the unreasonable obstruction cannot be removed, alternative accessible parking spaces, access aisles, curb cuts, or other features may be provided instead. <i>R.C. 4511.691(E)</i>.

Accessible license plates and removable windshield placards

The bill primarily reorganizes and clarifies the laws surrounding accessible license plates and removable windshield placards. The plates and placards are issued by the Bureau of Motor Vehicles (BMV) to individuals and organizations who either personally require or assist in transporting those who require accessible parking. The reorganization and any modifications are described in the following table.

Table 4: Accessible parking license plates and removable windshield placards

Current law	H.B. 31
Accessible license plate	
<p>Definitions – Defines terms relevant to the issuance of accessible license plates and removable windshield placards. <i>R.C. 4503.44(A)</i>.</p> <p>Who may apply – Authorizes the following to apply for accessible license plates:</p> <ol style="list-style-type: none"> 1. An organization; 2. A person with a disability that limits or impairs the ability to walk; or 3. A person who owns or leases a vehicle that has been altered to be accessible for a person with a disability that limits or impairs the ability to walk. <i>R.C. 4503.44(B)(1)</i>. <p>Supporting documents – Specifies that an applicant must provide the following every five years:</p> <ol style="list-style-type: none"> 1. Proof of the disability (via a health care provider’s signed statement); 2. Proof of vehicle alteration (if applicable); and 3. A power of attorney form (if vehicle is leased). (<i>R.C. 4503.44(B)(2)</i>.) <p>Registration taxes and fees – Requires the applicant to pay the standard motor vehicle registration tax, any local motor vehicle taxes, and the deputy registrar fee. <i>R.C. 4503.44(B)(2)</i>.</p>	<p>Definitions – Same, but reorganizes the terms into one Revised Code section and defines “accessible license plate” and “removable windshield placard.” <i>R.C. 4503.44</i>.</p> <p>Who may apply – Same, but language moved into a separate Revised Code section and reorganized for clarity. <i>R.C. 4503.441(A)</i>.</p> <p>Supporting documents – Same, but adds that an applicant organization must provide proof that it regularly transports persons with disabilities that limit or impair the ability to walk (making that requirement consistent for the accessible license plate and the removable windshield placard). Additionally, the signed statement is replaced with the health care provider certification form (see “Health care provider certification form” below for details). Language is moved and reorganized for clarity. (<i>R.C. 4503.441(B)</i>.)</p> <p>Registration taxes and fees – Same, but language moved and reorganized for clarity and consistency with similar license plate sections. <i>R.C. 4503.441(C)</i>.</p>
Removable windshield placard (temporary and permanent)	
<p>Temporary vs. permanent placards – Separates the temporary removable windshield placard application and authorization (for a person with a temporary injury) from the permanent windshield placard application and authorization (for a person</p>	<p>Temporary and permanent placards – Combines the language for the applications and authorizations, but specifies when a provision applies only to temporary removable windshield placards. <i>R.C. 4503.44(J) and 4503.442</i>.</p>

Table 4: Accessible parking license plates and removable windshield placards

Current law	H.B. 31
<p>with a permanent condition). <i>R.C. 4503.44(C) and (D)</i>.</p> <p>Who may apply – Authorizes the following to apply for a removable windshield placard:</p> <ol style="list-style-type: none"> 1. An organization; 2. A person with a disability that limits or impairs the ability to walk. <i>R.C. 4503.44(C)(1) and (2) and (D)(1)</i>. <p>Supporting documentation – Specifies the applicant must provide the following:</p> <ol style="list-style-type: none"> 1. A prescription from the authorizing health care provider if the applicant is a person; 2. Proof that it regularly transports people with disabilities that limit or impair the ability to walk if the applicant is an organization. <i>R.C. 4503.44(C)(1) and (2) and (D)(1)</i>. <p>Fee – Applicant must pay a \$5 service fee, unless the applicant is a qualifying veteran. Fees must be deposited into the Public Safety – Highway Purposes Fund. <i>R.C. 4503.44(C)(3), (D)(1)(b), (E), and (K)(1)</i>.</p> <p>Military waiver of fee – Requires a disabled veteran to provide forms of documentation indicating service-status (active duty or honorably discharged) and proof that the disability is service-connected (in order to obtain placard free of charge). <i>R.C. 4503.44(D)(1)(b) and (E)</i>.</p> <p>Placard appearance – Specifies that the Registrar of Motor Vehicles must adopt rules to determine the appearance and display of the placards. However, the expiration date (not less than 60 days or more than five years from the date of issuance) must be indicated via a hole punched into the placard for the expiration date. <i>R.C. 4503.44(C)(3) and (D)(2)</i>.</p>	<p>Who may apply – Same, but language moved into a separate Revised Code section and reorganized for clarity. <i>R.C. 4503.442(A)(1) and (B)</i>.</p> <p>Supporting documentation – Same for an organization, but changes the required prescription to a required health care provider certification form (see “Health care provider certification form” below for details). <i>R.C. 4503.442(A)(2), (B), and (M)</i>.</p> <p>Fee – Same, but language moved and reorganized for clarity. <i>R.C. 4503.442(C), (H), and (L)</i>.</p> <p>Military waiver of fee – Same, but language moved and reorganized for clarity. <i>R.C. 4503.42(G) and (H)</i>.</p> <p>Placard appearance – Requires the placard to display:</p> <ol style="list-style-type: none"> 1. The expiration date on both sides (between 60 days and six months for a temporary placard; five years for a permanent placard); 2. White letters and numbers on a blue background for a permanent placard and white letters and numbers on a red

Table 4: Accessible parking license plates and removable windshield placards

Current law	H.B. 31
<p>Renewal and cancellation – Requires the Registrar to send out renewal notices (at least 30 days prior to expiration) for any placard required to be renewed and to check the Office of Vital Statistics annually to determine if anyone issued a placard is now deceased. <i>R.C. 4503.44(C)(4) and (5).</i></p> <p>Duplicate/replacement – Authorizes a person to apply for a second placard if the person can demonstrate the need for a duplicate and the Registrar approves the application. Authorizes a person to obtain a replacement placard if the person can provide proof of the loss, destruction, or mutilation of the original placard and pays the deputy registrar fee. If the original is found, it must be returned to the BMV. <i>R.C. 4503.44(C)(1) and (J).</i></p>	<p>background for a temporary placard;</p> <p>3. The International Symbol of Access, the name “Ohio,” and the Great Seal of Ohio. <i>R.C. 4503.442(D)(1) and (F).</i></p> <p>Renewal and cancellation – Same, but language moved and reorganized for clarity. <i>R.C. 4503.442(D)(3), (4), and (E).</i></p> <p>Duplicate/replacement – Same, but language moved and reorganized for clarity. <i>R.C. 4503.442(A)(3) and (I).</i></p>
<p>Prohibitions and penalties related to issuance of accessible license plates and removable windshield placards</p>	
<p>Accessible license plate prohibition – Prohibits a person from displaying an accessible license plate that is invalid or on the wrong vehicle. <i>R.C. 4503.44(H).</i></p> <p>Removable windshield placard prohibition – Prohibits a person or organization from:</p> <ol style="list-style-type: none"> 1. Displaying or allowing the display of the placard when the vehicle is being used for purposes other than providing transportation for a person with a disability that limits or impairs the ability to walk; and 2. Refusing to return or surrender the placard when so required. <i>R.C. 4503.44(I).</i> 	<p>General prohibition – Same, but makes the prohibitions general to both an accessible license plate and a removable windshield placard. Additionally, prohibits a person from transferring a plate or placard to another person or from operating a vehicle with a plate or placard that is expired, cancelled, or revoked, or that was issued to a person who is now deceased or to a person or organization that no longer qualifies for it. <i>R.C. 4503.445(B) and (C) and 4503.446(B) and (C).</i></p>

Table 4: Accessible parking license plates and removable windshield placards

Current law	H.B. 31
<p>Returning a placard – Requires a person or organization issued a removable windshield placard to return it to the Registrar if:</p> <ol style="list-style-type: none"> 1. The placard is revoked; 2. The person moves to another state; or 3. The organization changes its place of business to another state. <p><i>R.C. 4503.44(F).</i></p> <p>False representation – Prohibits a person or organization that is not eligible for an accessible license plate or removable windshield placard from representing that the person or organization is so eligible. <i>R.C. 4503.44(H).</i></p> <p>Penalty – Violation of any of the above is a fourth degree misdemeanor. <i>R.C. 4503.44(N).</i></p> <p>Distribution of fines – Unclear, but presumably, by default, all fines collected from violations are directed to the Public Safety – Highway Purposes Fund. <i>R.C. 4501.06, not in the bill.</i></p>	<p>Returning a license plate or placard – Same, but also expressly requires a person or organization issued an accessible license plate or removable windshield placard to return it to the Registrar if:</p> <ol style="list-style-type: none"> 1. The plate expires and is not renewed or the placard expires; 2. The plate or placard was issued to a person who is now deceased; or 3. The plate or placard was issued to a person who no longer qualifies for it. <p><i>R.C. 4503.445(A).</i></p> <p>False representation – Same, but language moved and reorganized for clarity. <i>R.C. 4503.441(D), 4503.442(J), and 4503.445(D)(1).</i></p> <p>Penalty – Same, but language moved and reorganized for clarity. Specifies that the offenses are strict liability offenses. <i>R.C. 4503.445(D) and 4503.446(D).</i></p> <p>Distribution of fines – Directs all fines collected from violations to the Accessible Parking Violations Fund. <i>R.C. 4503.445(E) and 4503.446(F).</i></p>
Health care provider certification form	
<p>Prescription – Requires specified health care providers (physician, physician assistant, advanced practice registered nurse, optometrist, or chiropractor) to write a prescription in order for a person to obtain accessible license plates or a removable windshield placard. <i>R.C. 4503.41(A)(3), (C), and (D).</i></p>	<p>Accessible parking certification form – Requires the specified health care providers to complete an accessible parking certification form instead of a prescription in order for a person to obtain accessible license plates or a removable windshield placard. <i>R.C. 4503.448, 4731.481, and 4734.161.</i></p>

Table 4: Accessible parking license plates and removable windshield placards

Current law	H.B. 31
<p>Physicians – Prohibited from knowingly writing a prescription for someone who does not need accessible parking or knowingly misstating the length of time a person will need accessible parking. <i>R.C. 4731.481.</i></p> <p>Chiropractors – Prohibited from knowingly writing a prescription for someone who does not need accessible parking or knowingly misstating the length of time a person will need accessible parking. <i>R.C. 4734.161.</i></p> <p>Other health care providers – No provision.</p>	<p>Physicians – Same, but requires the certification form instead of prescription and the physician also must retain information sufficient to substantiate that the person is eligible for accessible parking privileges. <i>R.C. 4731.481.</i></p> <p>Chiropractors – Same, but requires the certification form instead of prescription and the chiropractor also must retain information sufficient to substantiate that the person is eligible for accessible parking privileges. <i>R.C. 4734.161.</i></p> <p>Other health care providers – Expressly prohibits the authorized health care providers from knowingly completing the certification form for someone who does not need accessible parking or knowingly misstating the length of time a person will need accessible parking. Requires the health care providers to retain information sufficient to substantiate that the person is eligible for accessible parking privileges. Makes any violation a first degree misdemeanor, similar to current law for physicians and chiropractors. Specifies that physicians and chiropractors may be charged either under the new section, <i>R.C. 4503.448</i>, or the relevant existing section, but not both. <i>R.C. 4503.448.</i></p>

Miscellaneous to issuance of license plates and placards

Rehabilitation employment fund – Authorizes a \$2 voluntary contribution requested on application for an accessible license plate or removable windshield placard. Contributions are used by the Ohioans with Disabilities Agency to purchase services related to vocational evaluation, work adjustment, job placement, job coaching, and community-based assessment. *R.C. 4503.44(K)(2).*

Informational documents – Requires all applications and renewal notices for accessible license plates and removable windshield placards and related publications to include information about the criminal penalties associated with

Rehabilitation employment fund – Same, but language moved into a separate Revised Code section. *R.C. 4503.443.*

Informational documents – Same, but language moved into a separate Revised Code section and updated to reflect organizational changes. *R.C. 4503.444.*

Table 4: Accessible parking license plates and removable windshield placards

Current law	H.B. 31
<p>misuse of the license plates, placards, and accessible parking laws. <i>R.C. 4503.44(M)</i>.</p> <p>Peace officer enforcement – Authorizes all peace officers to enforce the laws related to the issuance of accessible license plates and removable windshield placards. For example, they may confiscate a placard that has been revoked and return it to the Registrar. <i>R.C. 4503.44(L)</i>.</p>	<p>Peace officer enforcement – Same, but language moved into a separate Revised Code section. <i>R.C. 4503.447</i>.</p>

Technical changes

In part because of the reorganization and in part to standardize the word “accessible” rather than “handicapped,” the bill makes numerous technical changes to various provisions of current law. These changes are to accommodate cross-reference alterations and the updated terminology.¹¹

HISTORY

Action	Date
Introduced	02-03-21
Reported, H. Transportation & Public Safety	06-15-21
Passed House (89-7)	06-24-21

H0031-PH-134/ec

¹¹ R.C. 311.30, 505.541, 509.04, 3501.29, 3781.111, 4503.10, 4503.12, 4517.01, and 4517.12.