

Chairman Green, Vice Chair McClain, Ranking Member Sheehy, and members of the House Transportation Committee, I appreciate the opportunity to offer proponent testimony on House Bill 787.

My name is Lisa Followay and I am the mother of 4 children. I have three girls aged 14, 15 and 16 and one son who is 23. I have normal concerns for my daughters: their grades, friends, and college, etc. However, my son, Casey, is disabled and my concerns have been much greater over the course of his life. Concerns over his health, but also his inclusion in school and employment, as well as his ability to access goods and services in the community independently.

Casey and I have the privilege of standing on the shoulders of those that have fought before us for equal access through the Architectural Barriers Act of 1968, The Rehabilitation Act of 1973, and most importantly, the Americans with Disabilities Act (ADA) of 1990. The ADA is a significant civil rights law that prohibits discrimination of people with disabilities in many aspects of public life. There are great provisions for people with disabilities – including requirements for accessible parking – but they are useless without enforcement. There has been a lot of talk in recent years about equality, inclusion, and diversity, but yet we pay little to no attention to the fact that people with disabilities still can't physically access places of worship, education and employment. Again, the ADA guarantees access, but here in Ohio people are abusing handicap parking spaces and trampling the rights of people with disabilities. Changes are desperately needed.

I've had the privilege of working with Representative Wiggam on House Bill 787 to address the major issues Ohioans with disabilities are facing regarding handicap parking. Representative Wiggam provided an overview of the bill already, so I wanted to dive a little deeper into a few things that are important.

**First: Updating and Requiring the BMV Certification Form.** Currently, a health care provider may write a prescription for someone to get a plate or placard without stating their eligibility for one under Ohio law. This bill requires that the BMV update their application form for placards and plates and also requires a health care provider complete the form and mark the

qualifying criteria in order for someone to receive one. No more prescriptions. We believe that this will cut down on the number of plates and placards issued to those who do not qualify, reserving the privilege for those who truly need them.

Ohio law allows up to 2 placards per individual but an unlimited amount of handicap plates. The BMV lists on their website the number of placards in circulation each year. I've included data for the past five years:

<b>Placards</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>TOTALS</b>
Total (six-month & five-year) Disability	346,398	348,012	362,202	364,034	374,617	1,795,263
Temporary (90 days) Disability	30,430	31,518	32,501	33,152	33,102	160,703
<b>TOTALS</b>	<b>376,828</b>	<b>379,530</b>	<b>394,703</b>	<b>397,186</b>	<b>407,719</b>	<b>1,955,966</b>

Note that these totals do not include plates; we have requested this information from the BMV but have not received a response at the time of this hearing. As you can see, there is a large number of placards in circulation.

**Second, I want to share more about the volunteer enforcement program:**

- 1) **Additional enforcement is necessary because violations are occurring in large numbers and citations issued by law enforcement are decreasing.**
  - a. Violations are occurring in large numbers. I conducted a survey on social media with limited circulation to document about challenges surrounding handicap parking. 140 individuals responded.
    - i. 44% had a plate or placard themselves; while 66% provided transportation to someone who had a plate or placard.
    - ii. 82% felt there were not enough accessible parking spots available.
    - iii. 78% felt there were not enough accessible parking spots available due to abuse.
    - iv. 87% directly observed abuse and listed the following as top occurrences:
      1. No plate/placard.
      2. Access aisle violations.

- b. Examples of Parking Abuse have been submitted. In addition to the survey, I asked people to share images of handicap parking abuse. Included as part of my testimony are 50 examples. Nearly 30 written testimonies have been provided to the Committee for review. Additional witnesses were scheduled to testify in support of this legislation and share their story but were unable to attend due to the schedule change.
  
- c. Enforcement of violations is decreasing. In 2018, I enlisted the help of the College of Wooster to research the number of handicap parking violations issued in the state. Students Jordan Griffith and Annabelle Hopkins contacted 155 municipalities for relevant information on handicapped parking tickets and 62 (40%) responded. The breakdown of each municipality has been provided to the Committee separately.

Year	2013	2014	2015	2016	2017
Responded	31	31	32	37	39
Number	2862	2615	2784	2004	1981

The data revealed a significant decrease of issued citations year over year – nearly 1,000 less citations were issued in 2017 compared to 2013. The cause of this trend has not been identified.

Wooster Assistant Chief of Police Scott Rotolo submitted testimony that their department has refrained from issuing citations if a sign does not meet the requirements set forth in 4511.69. The ORC states that the sign must include the fine amount and stand at the correct height. A citation issued when the sign is not correct can be dismissed in court.

Removing the technical requirements for the sign and adding a volunteer enforcement program can assist local law enforcement agencies in addressing abuse in their communities allowing them to ensure that the rights of Ohioans with disabilities are being enforced.

- 2) **Volunteers can only issue nonconfrontational citations on unoccupied vehicles.** We will still rely on law enforcement to patrol handicap areas and handle fraudulent placard abuse.
- 3) **It is optional:** The volunteer program is optional for local law enforcement agencies to adopt.
- 4) **Other states' volunteer programs have been successful.** In my research, I have found volunteer programs in 32 states. Of those 32 states, 25 allow civilians, when trained, to issue citations. The other 7 allow civilians to collect evidence, return it to the local law enforcement agency, and the agency issues the citation by mail. I connected with some of the coordinators responsible for volunteer enforcement in other states.
- Taylor County, Texas has had a volunteer enforcement program since 1995. The volunteers there issue between 1,000 and 3,000 tickets annually. The coordinator shared with us that they have no major problems with volunteers because they have a comprehensive background and training policy.
  - Saint Petersburg, Florida's program was established in 1997, with 500 handicap citations issued each year by volunteers. They have had very few issues with volunteers because of their selection and training process.
  - Springfield, Missouri's program started in 2009. Volunteers issue 4-6 tickets each week. They are trained on how to issue citations and turn in photographs of the violation.

<b>Volunteer Programs</b>		
<b><i>Civilians can issue citations:</i></b>		<b><i>Civilians collect evidence for law enforcement:</i></b>
Arizona	Nevada	Kansas
California	New Mexico	Louisiana
Colorado	New Jersey	Maine
Delaware	North Carolina	New York
Florida	Oregon	Oklahoma
Hawaii	Rhode Island	South Carolina
Indiana	Tennessee	Wisconsin
Illinois	Texas	
Michigan	Utah	

Minnesota	Virginia	
Missouri	Washington	
Montana	West Virginia	
Nebraska		

As you can see, the volunteer enforcement program is not a new concept and can enhance a local law enforcement agencies ability to oversee and enforce handicap parking laws in Ohio.

Lastly, I would also like to address the question regarding tiered fine amounts that Representative Howse raised at the sponsor hearing last week. Included in my testimony are examples of other states that adopted tiered fines for repeat offenders. Those states include Nevada, Texas, Louisiana and Alabama.

State	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
<b>Nevada</b>	\$250	\$250 + 8-50 hours of community service	\$500-\$1,000 + 25-100 hours of community service
<b>Texas</b>	\$250-\$500	\$300-\$600	\$300-600 + 10-20 hours of community service
<b>Lousiana</b>	\$250	\$500	\$500
<b>Alabama</b>	\$50	\$200 + 40 hours of community service	\$500 + 40 hours of community service
<b><i>Proposed for Ohio</i></b>	<i>\$250</i>	<i>\$250-\$500</i>	<i>\$500-\$750</i>

In conclusion, I respectfully ask for your support of this legislation. The abuse of accessible parking can be reduced by important modifications proposed in House Bill 787 with the inclusion of a volunteer enforcement program. With these revisions, the rights of Ohioans with disabilities, like my son Casey, will be more successfully enforced. They shouldn't be denied access simply because they are disabled. Thank you for your time and I am happy to answer any questions at this time.