

Chairman Peterson, Vice Chair Thomas, Ranking Member Humphrey, and members of the House Government Oversight Committee, thank you for the opportunity to provide Proponent Testimony on House Bill 391.

My name is Lisa Followay and I am the mother of 4 children. I have three girls aged 17, 18 and 19 and one son who is 27. 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 inclusion in school and employment, as well as his ability to access goods and services in the community independently. Most people take daily living for granted but people with physical disabilities struggle.

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.

Since 2019, I've had the privilege of working with Representative Wiggam on House Bill 391 to address the major issues Ohioans with disabilities are facing regarding handicap parking. The proposed changes in the bill come from several years of meetings, surveys, and a thorough analysis of handicap parking legislation in all 50 states. The result of those conversations and that research led to the following proposed revisions to Ohio's handicap parking laws:

- A Reorganization of the Legislative Language
- Making a Health Care Provider Certification Form Required Instead of Allowing Prescriptions
- Revamping the Parking Placard to Include a Visible Expiration Date
- Requiring the Return of Disability License Plate(s) and/or Placard Upon Expiration, Death, Out of State Relocation, or Other Ineligibility
- Clarifying that it is Illegal to Transfer Plates or Placard to Another Individual
- Requiring Public Accommodation Entities to Keep Accessible Parking Spaces Obstruction Free
- Adding Violations for Blocking of Curb Cuts and Accessible Routes of Travel
- Preventing the Defense of Charges if the Accessible Parking Sign Does Not Meet the Technical Requirements of the Law
- Requiring that When Parking Privileges Are Used, the Person for Whom They Were Issued Must Be Entering or Exiting the Vehicle
- Clarifies that it is Illegal to Park in the Access Aisle Regardless of Valid Plates or Placard (Parking in the Access Aisle Can Result in an Unlawful Restraint Charge if a Person With a Disability Cannot Enter Their Vehicle Because of Said Violation)
- Revising the Fines for Repeat Offenders
- Enables the Ohio BMV to Track Violations
- Allowing a Citation to be Left with an Unoccupied Vehicle
- Allowing Law Enforcement Agencies to Create a Volunteer Enforcement Program

In addition to the 26 State Representatives that signed on to HB 391, this bill has the following agency supporters:

- The Center for Disability Empowerment
- Buckeye Paralyzed Veterans
- Easter Seals of Central Ohio
- OSU Dodd Hall Rehabilitation Hospital SCI Peer Support Group
- Ohio Independent Living Centers

Allow me to highlight and explain a handful of the changes proposed in HB 391.

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 in my testimony for 2015 through 2019:

Placards	2015	2016	2017	2018	2019	TOTALS
Total (six-month & five-year)						
Disability	346,398	348,012	362,202	364,034	374,617	1,795,263
Temporary Disability	30,430	31,518	32,501	33,152	33,102	160,703
Handicap License Plates Issued	346,398	348,012	362,202	364,034	374,617	1,795,263
TOTALS	723,226	727,542	756,905	761,220	782,336	3,751,229

As you can see, there are a large number of placards and plates in circulation.

Regarding the tiered fine amounts: The proposed changes to the fine amounts are minor and intended to increase based on repeat offenses. The tiered fine amounts proposed are:

- For first offense: \$250;
- For second offense: between \$250 - \$500;
- For third or more offense: between \$500 - \$750.

First and second time offenses are still within the current ORC provisions of the \$250 minimum to \$500 maximum fine. It is only for the third offense that it goes above the current \$500

threshold and still includes ranges that allow for judicial preference. 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 st Offense	2 nd Offense	3 rd Offense
Nevada	\$250	\$250 + 8-50 hours of community service	\$500-\$1,000 + 25-100 hours of community service
Texas	\$250-\$500	\$300-\$600	\$300-600 + 10-20 hours of community service
Louisiana	\$250	\$500	\$500
Alabama	\$50	\$200 + 40 hours of community service	\$500 + 40 hours of community service
<i>Proposed for Ohio</i>	<i>\$250</i>	<i>\$250-\$500</i>	<i>\$500-\$750</i>

Creation of the Accessible Parking Fund: Current ORC 4511.69 states: *The political subdivision may use up to fifty per cent of each fine it receives under divisions (J)(2) and (3) of this section 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 the programs.* In the research completed by the College of Wooster, only one municipality was setting those funds aside to support individuals with disabilities. HB 391 ensures that 50% of the fines collected will be redirected for the state to use as such. These funds will be used to support the Department of Public Safety’s creation and management of the volunteer enforcement program and will also support interscholastic sports for students with disabilities through the Ohio Department of Education. Currently, those programs are being funded through earmarks in the State’s operating budget. This will create an alternative, more consistent revenue source to support it.

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

- 1) **Sections 311.30, 509.04, 737.01 of the Ohio Revised Code already permit parking enforcement units.** Local entities are permitted to establish parking enforcement officers and “persons with physical disabilities may receive appointments as parking enforcement officers.”
- 2) **Additional enforcement is necessary because violations are occurring in large numbers and citations issued by law enforcement are decreasing.**
 - Violations are occurring in large numbers. I conducted a survey on social media with limited circulation to document 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.
 - 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 58 examples. Nearly 30 written testimonies were provided to the House Transportation Committee when the bill was first introduced.
 - 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 with my testimony.

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.

3) Volunteers will only be able to collect evidence to submit to local law enforcement entities on unoccupied vehicles in four scenarios:

- There is no placard or handicap plate displayed while the vehicle is parked in a handicap spot;
- An expired placard is displayed on the vehicle while parked in a handicap spot;
- The vehicle is parked in the access aisle adjacent to the handicap spot;
- A vehicle is parked and blocking accessible routes of travel (curb cuts, ramps, etc.).

It will be up to the local law enforcement agency to issue a citation based on the evidence submitted. Ohioans will still rely on law enforcement to patrol handicap areas and handle fraudulent placard abuse. Citizens will not be permitted to confront other citizens directly through this program.

4) **Adding a volunteer program is optional:** The volunteer program is optional for local law enforcement agencies to adopt. Advocacy at the local level will still need to happen for agencies to adopt the program. In 2019 before the bill was introduced, we met with the following groups to discuss its provisions:

- Ohio Judicial Conference
- Fraternal Order of Police (FOP)
- Ohio Municipal League
- Ohio Association of Chiefs of Police (OACP)
- Department of Public Safety (DPS)
- Ohio State Highway Patrol

These groups would be directly involved in a volunteer program should it be implemented and they remain unopposed to the bill. **Once a volunteer program is in place**, law enforcement agencies have local control and can choose whether or not to issue citations once the evidence has been turned in. Further, they can decide to disband the program.

5) **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.

Volunteer Programs		
<i>Civilians can issue citations:</i>		<i>Civilians collect evidence for law enforcement:</i>
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		

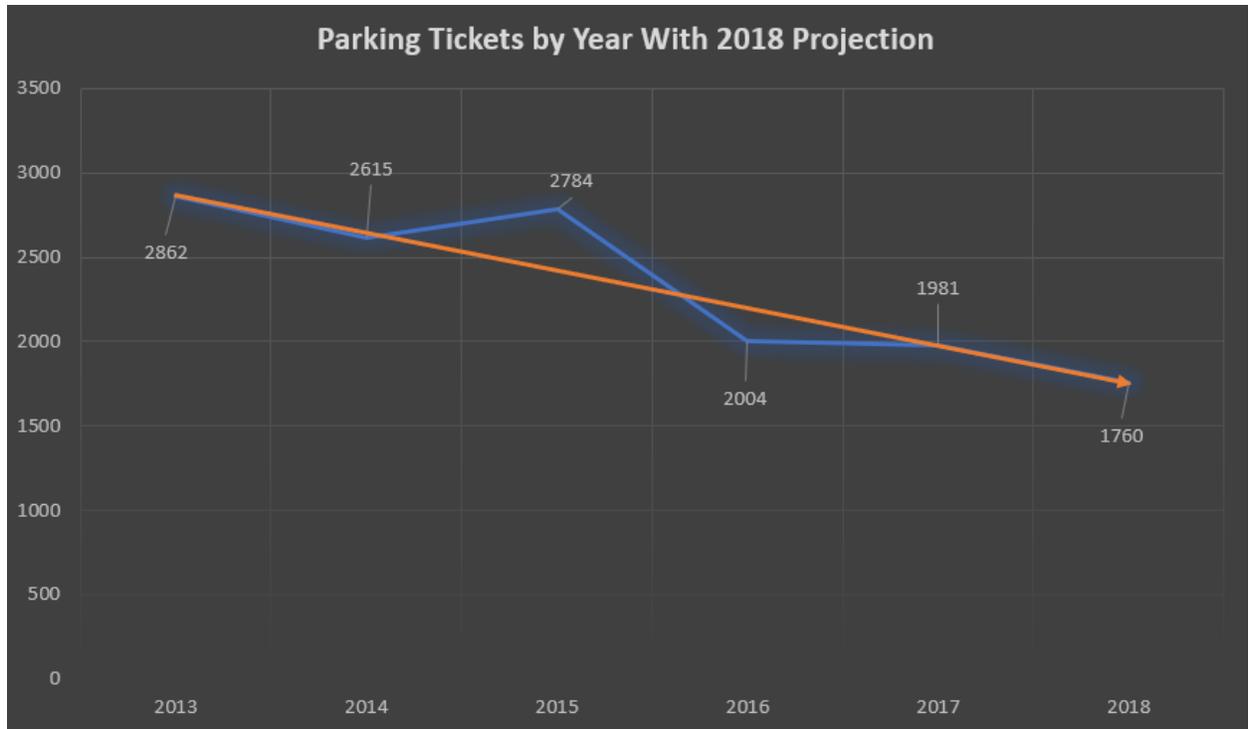
6) **This has already been done in Ohio.** When former Representative Michael O'Brien served as the Mayor of Warren, Ohio (2005-2012), they utilized volunteers in this capacity.

As you can see, the volunteer enforcement program is not a new concept and it can enhance local law enforcement's ability to oversee and enforce handicap parking laws in Ohio. This is not about government overreach or vigilante justice, this is about ensuring that individuals with mobility impairments can leave their homes, and access goods and services in the community barrier free. If the Senate Transportation Committee removes the volunteer enforcement program that was unopposed and passed in the House, what other solutions will the Committee recommend to address enforcement of handicap parking violations? Passing an amended version of HB 391 that removes the volunteer program does little to change the problem. Yes, allowing citations to be left with the vehicle is important but it will only impact agencies that issue them under 4511.69, not law enforcement agencies who issue civil citations under their local ordinance already. What steps will be taken in its place to increase enforcement and improve access to parking for individuals with disabilities?

The pandemic forced people to isolate at home, caused businesses to close, and made kids stay home from school. The social isolation has caused mental health issues to rise. As a result, legislators have acted quickly to address it. When people with disabilities can't access public and private places due to parking, they are forced to stay home. This causes them to experience social isolation regardless of the pandemic. Their mental health is constantly in jeopardy and should be of concern to the State. They didn't choose their disability, but they are choosing to live with it. We need to help them do that.

In conclusion, this bill does not change who is eligible for accessible parking, and it does not impose a financial burden on business owners. It addresses enforcement. I respectfully ask for your support of this legislation. The abuse of accessible parking can be reduced by important modifications proposed in House Bill 391 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.

**Handicap parking research conducted in 2018 by
The College of Wooster AMRE Team Jordan Griffith and Annabelle Hopkins.**



Municipality HP Violation Responses								
Title	2013	2014	2015	2016	2017	Total	No Record	Source
Akron Municipal Court Parking Division	108	125	162	132	184			Clerk of Court
Alliance Municipal Court Clerk	NA	2	0	1	0	5		Clerk of Court
Ashland Municipal Court							No Record	Clerk of Court
Ashtabula Municipal Court							No Record (very few)	Police Department
Athens Municipal Court		16	15	11	26	68		Police Department
Attica City Hall								
Auglaize Municipal Court Clerk						0		
Avon Lake								
Avon Mayor's Court	2	1	5	1	1	13		Clerk of Court
Barberton Municipal Court	13	33	5	15	32	108		Clerk of Court
Beach City Village Hall						0		Beach City PD
Bedford Municipal Court						174		Clerk of Court
Bellefontaine Municipal Court							No Record	Phone call
Bellevue Municipal Court						4		
Berea Municipal Court								
Bexely Mayor's Court								
Blue Ash Mayor's Court								
Bowling Green State University Municipal Court								
Broadview Heights Mayor's Court								
Brook Park Mayor's Court								
Brooklyn Mayor's Court								
Brunswick Mayor's Court								
Bryan Municipal Court	0	0	0	0	0	0		Bryan Municipal Court Clerk

Cambridge Municipal Court									
Campbell Municipal Court							5		Campbell Municipal Clerk of Courts
Canal Winchester Mayor's Court									
Canton Municipal Court									
Carlisle Mayor's Court									
Celina Municipal Court									
Celina Municipal Court									
Chillicothe Municipal Court									
Circleville Municipal Court								No Record	Phone call
Clermont County Municipal Court	14	12	16	4	1				Email from Ryan Row to JH (5/25)
Cleveland Municipal	1716	1294	1526	1026	920	6482			Public Records Request
Columbus Parking					969	969			Columbus Parking Bureau
Conneaut Municipal Court	0	0	0	0	0	0			
Cortland City Hall									
Coshocton Municipal Court									
Crawford County Municipal Court Eastern District									
Darke County Municipal Court	1	0	0	0	0	1			Clerk of Court
Dayton Municipal Court Central Payments Div	646	762	625	366	289	2,786			Email from Rita to AH 5/22
Defiance Municipal Court						17			Clerk, Defiance PD
Dublin Mayors Court	6	3	8	20	20	61			Mayor's Court
East Liverpool Municipal Court						78			East Liverpool Police Department
Eaton Municipal Court									
Eaton Municipal Court									
Eaton Municipal Court									
Elyria Municipal Court Clerk	15	15	6	10	5	51			Police Department IT
Erie County Court						2			Police Department
Euclid Municipal Court						3			Police Department
Fairborn Municipal Court									
Fairfield City Municipal Court									
Fairlawn Mayor's Court	21	21	15	9	4	70			
Findlay									
Forest Park Mayor's Court	31	37	40	34	15	168			
Franklin County Municipal Court									
Franklin Municipal Court									
Fremont Municipal Court						10			Fremont Clerk of Records
Gallipolis Municipal Court					6	6			The City of Gallipolis
Harveysburg Mayors Court						0			Harveysburg Clerk
Hillsboro Municipal Court									
Hocking Municipal Court									
Holmes County Municipal Court									
Honorable Donald R Capper									
Huron Municipal Court									
Ironton City Municipal Court									
Jackson Municipal Court									
Johnstown Mayor's Court									
Kent Municipal Court							No record		Kent Police Department
Kettering Municipal Court JDGS	58	46	24	22	20	170			Kettering Municipal Court
Lakeland City Hall									
Lakewood City Hall									
Lakewood Municipal Court									
Lawrence County Municipal Court									
Lebanon Municipal Court									
Lorain Municipal Court									
Lima Municipal Court				6	2	9			Terri Hammer
Louisville City Hall									
Lowellville									
Lyndhurst City Hall									
Lyndhurst Municipal Court	0	0	0	0	0	0			Mayor
Macedonia Mayor's Court									
Madeira City Hall									
Mansfield City Probation									
Marion City Hall									
Marshallville City Hall									
Mason City Municipal Court									
Massillon Municipal Court									
Maumee Municipal Court									
Maumee Municipal Court									
Medina Municipal Court									
Medina Municipal Court House									
Medina Municipal Court Probation Department									
Mentor Municipal Court				0	9	9			Email from Deborah Yasenosky to AH 6/15
Middletown Municipal Court									
Milford City Mayor's Court						8			Email from Kim Sheangshang 5/31 to AH
Minerva City Water Service									
Mogadore Mayor's Court Clerk									