

As Introduced

136th General Assembly

Regular Session

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H. B. No. 238

Representatives Rogers, Lorenz

To amend sections 4521.01 and 4521.08 and to enact
section 4521.20 of the Revised Code to establish
specified parking requirements.

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

Section 1. That sections 4521.01 and 4521.08 be amended
and section 4521.20 of the Revised Code be enacted to read as
follows:

Sec. 4521.01. As used in this chapter:

(A) "Parking infraction" means a violation of any
ordinance, resolution, or regulation enacted by a local
authority that regulates the standing or parking of vehicles and
that is authorized pursuant to section 505.17 or 4511.07 of the
Revised Code, or a violation of any ordinance, resolution, or
regulation enacted by a local authority as authorized by this
chapter, if the local authority in either of these cases also
has enacted an ordinance, resolution, or regulation of the type
described in division (A) of section 4521.02 of the Revised Code
in relation to the particular regulatory ordinance, resolution,
or regulation.

(B) "Vehicle" has the same meaning as in section 4511.01
of the Revised Code.

(C) "Court" means a municipal court, county court,
juvenile court, or mayor's court, unless specifically identified
as one of these courts, in which case it means the specifically
identified court.

(D) "Local authority" means every county, municipal
corporation, township, or other local board or body having
authority to adopt police regulations pursuant to the
constitution and laws of this state.

(E) "Accessible parking space" means a motor vehicle
parking location that is reserved for the exclusive standing or
parking of a vehicle that is operated by or on behalf of a
person with a disability that limits or impairs the ability to
walk and displays a placard or license plates issued under
section 4503.44 of the Revised Code.

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

(G) "Parking zone" means a defined area in a municipal
corporation or township in which multiple vehicles may park for
a definite period of time upon payment of a fee at a centralized
kiosk or other type of device that accepts payment for parking
within the defined area.

Sec. 4521.08. (A) If a person who is personally or
constructively served with a parking ticket charging the
commission of a parking infraction or who receives a
notification of infraction, in his the person's answer to the
charge denies ~~that he~~ having committed the infraction, the
parking violations bureau, joint parking violations bureau, or
traffic violations bureau, or the juvenile court, that has

jurisdiction shall conduct a hearing to determine if the person 50
committed the parking infraction. Each hearing shall be 51
conducted by a hearing examiner of the parking violations bureau 52
or joint parking violations bureau, a hearing examiner or 53
referee of the traffic violations bureau, or a referee of the 54
juvenile court. Each hearing shall be conducted in such manner 55
as the hearing examiner or referee considers appropriate. Rules 56
regarding the admissibility of evidence shall not be strictly 57
applied in the hearing, but all testimony shall be under oath. 58

At the hearing, the local authority whose ordinance, 59
resolution, or regulation allegedly was violated and resulted in 60
the charge has the burden of proving, by a preponderance of the 61
evidence, that the person for whom the hearing is being 62
conducted committed the parking infraction. If the person, in 63
his the person's answer, denied ~~that he~~ having committed the 64
parking infraction and requested the presence at the hearing of 65
the law enforcement officer who issued the parking ticket, the 66
officer shall be required to attend the hearing unless the 67
hearing examiner or referee determines that the officer's 68
presence is not required. If the officer's presence at the 69
hearing has been requested and the officer is unable to attend 70
the hearing on the day and at the time scheduled, the hearing 71
examiner or referee may grant a reasonable continuance. The 72
person for whom the hearing is being conducted may present any 73
relevant evidence and testimony at the hearing. The person does 74
not have to attend the hearing if ~~he~~ the person submits 75
documentary evidence to the hearing examiner or referee prior to 76
the day of the hearing. 77

The local authority shall submit the original parking 78
ticket that was personally or constructively served on the 79
person or a true copy of that ticket, and information from the 80

bureau of motor vehicles that identifies the owner of the 81
vehicle. The ticket and the information in proper form is prima- 82
facie evidence that the registered owner of the vehicle was the 83
person who committed the parking infraction. The local authority 84
may present additional evidence and testimony at the hearing. 85
The local authority does not have to be represented at the 86
hearing by an attorney. 87

(B) (1) If a person for whom a hearing is to be conducted 88
under division (A) of this section appears at the scheduled 89
hearing or submits evidence in accordance with that division, 90
the hearing examiner or referee shall consider all evidence and 91
testimony presented and shall determine whether the local 92
authority has established, by a preponderance of the evidence, 93
that the person committed the parking infraction. If the hearing 94
examiner or referee determines that the person committed the 95
infraction, an order indicating the determination as a judgment 96
against the person and requiring the person to pay the 97
appropriate fine and any additional penalties shall be entered 98
in the records of the parking violations bureau, joint parking 99
violations bureau, or traffic violations bureau, or the juvenile 100
court, whichever is applicable. 101

(2) If a person for whom a hearing is to be conducted 102
under division (A) of this section fails to appear at the 103
scheduled hearing and fails to submit evidence in accordance 104
with that division, the hearing examiner or referee shall, ~~if he~~ 105
~~determines~~ after determining from any evidence and testimony 106
presented at the hearing, by a preponderance of the evidence, 107
that the person committed the parking infraction, enter a 108
default judgment against the person and require the person to 109
pay the appropriate fine and any additional penalties. A default 110
judgment entered under this division shall be entered in the 111

records of the parking violations bureau, joint parking 112
violations bureau, or traffic violations bureau, or the juvenile 113
court, whichever is applicable. 114

(3) If a person who is sent a notification of infraction 115
pursuant to section 4521.07 of the Revised Code does not timely 116
answer, as provided in division (C) of that section, the hearing 117
examiner of the parking violations bureau or joint parking 118
violations bureau, the hearing examiner or referee of the 119
traffic violations bureau, or the referee of the juvenile court, 120
whichever is applicable, shall, if he determines after 121
determining from any evidence and testimony presented ~~to him~~ by 122
the local authority, by a preponderance of the evidence, that 123
the person committed the parking infraction, enter a default 124
judgment against the person and require the person to pay the 125
appropriate fine and any additional penalties. A default 126
judgment entered under this division shall be entered in the 127
records of the parking violations bureau, joint parking 128
violations bureau, or traffic violations bureau, or the juvenile 129
court, whichever is applicable. 130

(4) If the hearing examiner or referee does not determine, 131
by a preponderance of the evidence, that a person in any of the 132
classes described in division (B)(1), (2), or (3) of this 133
section committed the parking infraction, the hearing examiner 134
or referee shall enter judgment against the local authority 135
whose ordinance, resolution, or regulation allegedly was 136
violated, shall dismiss the charge of the parking infraction 137
against the person, and shall enter the judgment and dismissal 138
in the records of the traffic violations bureau, joint parking 139
violations bureau, or parking violations bureau, or the juvenile 140
court, whichever is applicable. 141

(5) A default judgment entered under this section may be 142
vacated by the hearing examiner or referee who entered it if all 143
of the following apply: 144

(a) The person against whom the default judgment was 145
entered files a motion with the proper parking violations 146
bureau, joint parking violations bureau, or traffic violations 147
bureau, or the proper juvenile court within one year of the date 148
of entry of the judgment; 149

(b) The motion sets forth a sufficient defense to the 150
parking infraction out of which the judgment arose; 151

(c) The motion sets forth excusable neglect as to the 152
person's failure to attend the hearing or answer the 153
notification of infraction. 154

(C) Payment of any judgment or default judgment entered 155
against a person pursuant to this section shall be made to the 156
violations clerk of the parking violations bureau, joint parking 157
violations bureau, or traffic violations bureau, or to the clerk 158
of the juvenile court, in which the judgment was entered within 159
ten days of the date of entry. All money paid in satisfaction of 160
a judgment or default judgment shall be disbursed by the clerk 161
to the local authority whose ordinance, resolution, or 162
regulation was violated, and the clerk shall enter the fact of 163
payment of the money and its disbursement in the records of the 164
bureau or juvenile court. If payment is not made within this 165
time period, the judgment or default judgment may be filed with 166
the clerk of the municipal court or county court within whose 167
territorial jurisdiction the ordinance, resolution, or 168
regulation was violated, and when so filed, shall have the same 169
force and effect as a money judgment in a civil action rendered 170
in that court. 171

Judgments and default judgments filed with a court 172
pursuant to this division shall be maintained in a separate 173
index and judgment roll from other judgments rendered in the 174
court. Computer printouts, microfilm, microdot, microfiche, or 175
other similar data recording techniques may be utilized to 176
record such judgments. When a judgment or default judgment is 177
filed with a court, execution may be levied, and such other 178
measures may be taken for its collection as are authorized for 179
the collection of an unpaid money judgment in a civil action 180
rendered in that court. The municipal or county court may assess 181
costs against the judgment debtor, in an amount not exceeding 182
ten dollars for each parking infraction, to be paid upon 183
satisfaction of the judgment. 184

(D) Any person against whom a judgment or default judgment 185
is entered pursuant to this section and any local authority 186
against whom a judgment is entered pursuant to this section may 187
appeal the judgment or default judgment to the municipal court 188
or county court within whose territorial jurisdiction the 189
ordinance, resolution, or regulation was violated if the 190
judgment or default judgment was entered by a bureau, or to a 191
judge of the juvenile court within whose territorial 192
jurisdiction the ordinance, resolution, or regulation was 193
violated if the judgment or default judgment was entered by a 194
referee of a juvenile court, by filing notices of appeal with 195
the parking violations bureau, joint parking violations bureau, 196
or traffic violations bureau, or the referee of the juvenile 197
court, in which the judgment was entered, and the municipal or 198
county court or the clerk of the juvenile court within ~~fifteen-~~ 199
~~days~~ three years of the date of entry of the judgment and by the 200
payment of such reasonable costs as the court or juvenile judge 201
requires. Upon the filing of an appeal, the court or juvenile 202

judge shall schedule a hearing date and notify the parties of 203
the date, time, and place of the hearing. The hearing shall be 204
held by the court or juvenile judge in accordance with the rules 205
of the court. Service of a notice of appeal under this division 206
by a person does not stay enforcement and collection of the 207
judgment or default judgment from which appeal is taken by the 208
person unless the person who files the appeal posts bond with 209
the parking violations bureau, joint parking violations bureau, 210
or traffic violations bureau, or the juvenile court, in the 211
amount of the judgment, plus court costs, at or before service 212
of the notice of appeal. 213

Notwithstanding any other provision of law, the judgment 214
on appeal of the municipal or county court or of the juvenile 215
judge is final, and no other appeal of the judgment of the 216
parking violations bureau, joint parking violations bureau, or 217
traffic violations bureau, or of the referee of the juvenile 218
court, whichever is applicable, and no appeal of the judgment of 219
the municipal or county court or of the juvenile judge may be 220
taken. 221

(E) A judgment or default judgment entered pursuant to 222
this section may be filed with a municipal court or county court 223
under division (C) of this section at any time within ~~three-four~~ 224
years after the date of issuance of the parking ticket charging 225
the parking infraction out of which the judgment arose. This 226
~~division section~~ applies to any ticket issued for ~~an offense~~ 227
~~that would be a parking infraction on or after the effective~~ 228
~~date of this section, if amendment. If the ticket was issued~~ 229
~~within three years prior to the effective date of this section~~ 230
~~and a warrant has not been issued and served on the operator or~~ 231
~~owner of the vehicle involved in the offense~~amendment, the 232
version of this section that existed prior to that date applies 233

that ticket. 234

Sec. 4521.20. (A) The director of public safety shall 235
adopt standards that authorize a person to pay parking fees at a 236
parking meter by multiple payment methods, including cash, coin, 237
credit card, quick response code, or other methods selected by 238
the director. However, in all circumstances, a person may pay 239
parking fees at a parking meter by using cash, coin, or credit 240
card, as an alternative to any other specified payment method. 241

(B) When paying to park in a parking zone, an individual 242
shall not be required to identify or provide information about 243
the parking space in which the individual's vehicle is parked. 244

(C) (1) A parking violations bureau, joint parking 245
violations bureau, or traffic violations bureau shall rescind a 246
parking ticket if both of the following apply: 247

(a) The bureau issues the ticket within three minutes of 248
the time at which an individual parked within a parking zone; 249

(b) The individual pays for parking in the parking zone 250
within that three-minute period. 251

(2) Failure of a parking violations bureau, joint parking 252
violations bureau, or traffic violations bureau to comply with 253
division (C) (1) of this section is prima facie evidence under 254
4521.08 of the Revised Code that the individual to whom the 255
parking ticket was issued did not commit the parking infraction. 256

Section 2. That existing sections 4521.01 and 4521.08 of 257
the Revised Code are hereby repealed. 258