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H.B. 712
(I_136_2370-2)
136th General Assembly

Fiscal Note & Local Impact Statement

Click here for H.B. 712's Bill Analysis

Version: In House Children and Human Services

Primary Sponsor: Rep. Craig

Local Impact Statement Procedure Required: No

Maggie West, Senior Budget Analyst

Highlights

- The Department of Public Safety will incur one-time and ongoing annual costs to create and maintain a Volunteer Accessible Parking Enforcement Force (VAPEF).
- The bill creates the Accessible Parking Violations Fund administered by the directors of Public Safety and Education and Workforce, consisting of 50% of the fine revenue collected for violations of state accessible parking laws. The bill requires the money to be distributed as follows:
  - 25% to the Director of Public Safety for the Volunteer Accessible Parking Enforcement Force Training Program, data collection, and local law enforcement assistance; and
  - 75% to the Director of Education and Workforce to support annual grants to a nonprofit organization that creates, expands, and oversees interscholastic adaptive sports for youth with physical disabilities.
- The bill will decrease the amount of revenue that certain political subdivisions retain, namely townships, for each state accessible parking law violation by 50%, by requiring that half of the fine revenue be credited to the Accessible Parking Violations Fund.
- Local law enforcement agencies that choose to participate in the bill's statewide civil enforcement system may experience a minimal increase in costs to comply with the new civil ticketing process.
- The bill may increase the number of accessible parking violations processed each year by certain municipal and county courts, as well as parking violations bureaus. The related costs may be offset to some degree by the collection of local court costs and fees.

Detailed Analysis

The bill reorganizes, clarifies, and modifies the law governing accessible parking and enforcement and the issuance of license plates and removable window placards. The most notably relevant provisions in terms of state and local fiscal effects are the following provisions:

1. Creation of a Volunteer Accessible Parking Enforcement Force and a training program within the Department of Public Safety;
2. Creation of a statewide civil enforcement system for issuing tickets for civil accessible parking violations which replaces many of the existing criminal penalties for accessible parking law violations; and
3. Redirection of fine money collected from accessible parking violations.

Volunteer Accessible Parking Enforcement Force

The bill creates the Volunteer Accessible Parking Enforcement Force (VAPEF) to assist local governments in enforcing accessible parking laws and requires the Department of Public Safety to provide training to the volunteers. The Department is required to train volunteers on the general administrative rules, statutory laws, and proper procedures governing the VAPEF, the judicial system's role in parking regulation and enforcement, as well as other specified areas. Upon successful completion of the training program, law enforcement may authorize volunteers to submit photographs of accessible parking violations to the appropriate law enforcement agency within 24 hours of the witnessed violation. The bill also requires the Department to track the number of volunteers trained and the expenses incurred in administering the program. It is unclear whether the Department has sufficient staff on hand to run the program or whether additional staff would need to be hired.

Twenty-five percent (25%) of the fine revenue received for accessible parking violations credited to the new Accessible Parking Violations Fund (as discussed in more detail below) is distributed to the Department to cover the cost of operating the VAPEF Training Program, collecting data related to accessible parking violations, and assisting local law enforcement in enforcing the accessible parking laws. It is unclear whether the revenues generated for the new fund will fully cover these new program costs for the Department.

Civil enforcement system

The bill makes the majority of accessible parking violations a civil violation with corresponding civil penalties, instead of a criminal violation with criminal penalties under existing law, and creates a new statewide civil enforcement system. Under current law, parking regulations and enforcement are generally left to local governments. Under the new system, the bill permits local law enforcement agencies to authorize volunteers trained under the Volunteer Accessible Parking Enforcement Force to assist in enforcing civil accessible parking violations by submitting photographs of violations to law enforcement, who can then issue a ticket, and creates a new process for issuing civil tickets. That process requires that an officer who witnesses a violation and issues a ticket for accessible parking violations, take a photograph to show that the violation occurred. The law enforcement agency that employs an officer who issues a ticket for an accessible parking violation is then required to mail a photograph, along with the ticket, to the operator or owner of the motor vehicle within 30 days.

Under the bill, local governments can choose to continue to use their current criminal penalty process or use the new civil enforcement system. If a local government chooses to utilize volunteers to assist in the enforcement of accessible parking laws, local law enforcement agencies may incur minimal costs to comply with the new civil ticketing process, particularly the requirement that the officer or volunteer photograph the violation and the related mailing and clerical expenses.

Penalties

In addition to making the majority of accessible parking violations a civil violation with corresponding civil penalties, instead of a criminal violation with criminal penalties under existing law, the bill increases the fine for illegally parking in an accessible parking space or access aisle. Under existing law, a person who violates either prohibition is subject to a fine of between $250 and $500. Under the bill, such a person is subject to a fine of $250 for a first offense, between $250 and $500 for a second offense, and between $500 and $750 for a third or subsequent offense. As a result, issuing citations to repeat offenders may generate more fine revenue than would otherwise be the case under existing law.

The bill modifies and expands what constitutes an accessible parking violation. These changes may result in more tickets issued, which would increase the amount of fine revenue collected. Under the bill, accessible parking violation fine revenue will be evenly distributed between the political subdivision in which the violation occurred and the new Accessible Parking Violations Fund.

Disclaiming liability

Under the bill, a person may disclaim liability by providing an affidavit stating that one of the three circumstances was the case at the time of the violation: (1) the owner, operator, or person being transported had a valid accessible plate or placard but did not display it, (2) that a person other than the vehicle owner was operating the vehicle, or (3) that the vehicle was stolen and a police report is submitted along with the affidavit. If liability is disclaimed, law enforcement is required to issue a new citation or the court must determine liability through a hearing. As a result, certain municipal and county courts, as well as parking violations bureaus, may experience an increase in the number of accessible parking violation cases to adjudicate. The cost to process those cases may be offset to some degree by the collection of local court costs and fees. It is likely that the resulting impact on any given court or parking violations bureau will be no more than minimal annually, as people who receive a ticket along with photographic evidence of the violation may be less likely to contest it.

Redirection of fine revenue

The bill redirects the fine money collected from accessible parking violations to the new Accessible Parking Violations Fund. Under existing law, 100% of the fine money is retained by the political subdivision in which the violation occurred and may only be used for specified purposes. The bill permits the political subdivision in which the violation occurred to retain 50% of the fine money collected with no restrictions on usage, and redirects the remaining 50% to the Accessible Parking Violations Fund. As a result, certain political subdivisions, namely townships, will experience a 50% decrease in revenue collected from certain fines assessed for accessible parking violations. The bill will have no effect on the amount of fine revenue generated from violations of

municipal parking control ordinances, as distribution to the Accessible Parking Violations Fund only applies to violations of state law.

Accessible Parking Violations Fund

Volunteer Accessible Parking Enforcement Force Training Program

As stated previously, the bill requires that 25% of the money deposited in the Accessible Parking Violations Fund be distributed to the Director of Public Safety to administer the Volunteer Accessible Parking Enforcement Force Training Program, to collect data related to accessible parking violations, and to assist local law enforcement in enforcing the accessible parking laws.

Grants for interscholastic adaptive sports

The bill requires that the remaining 75% of the money deposited in the Accessible Parking Violations Fund be distributed to the Director of Education and Workforce to support annual grants to a nonprofit organization that creates, expands, and oversees interscholastic adaptive sports for youth with physical disabilities. The bill may minimally increase the Department of Education and Workforce's administrative costs in order to approve the nonprofit corporation to receive a grant, determine how much money is awarded, and issue an annual report to the General Assembly.

Synopsis of Fiscal Effect Changes

The bill's fiscal effects remain unchanged under the substitute bill (I_136_2370-2) as compared to those under the As Introduced version.

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