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Bill Analysis
Legislative Service Commission

Am. H.B. 30

125th General Assembly

(As Reported by H. Transportation and Public Safety)

Reps. Williams, Kearns, Calvert, Flowers, S. Patton, Perry, Price, Reinhard, Schlichter, Widowfield

BILL SUMMARY

- Permits a local authority to establish a fine of \$250 to \$500 for violation of a non-criminal disability parking regulation.
- Allows a single non-criminal disability parking violation judgment to be the basis of a motor vehicle registration blockage.

CONTENT AND OPERATION

Current law authorizes municipalities and other local authorities to treat violations of the local parking laws in a non-criminal manner. The Non-criminal Parking Law provides a framework for enforcement of the local parking regulations, including the establishment of a Parking Violations Bureau to handle the parking infractions. Local authorities are authorized to establish fines for violations and penalties for failure to timely answer the parking violation charges. The maximum fines and penalties imposed for a single violation may not exceed \$100, plus costs and administrative charges.

Any person charged with a local, non-criminal parking infraction is entitled to a hearing and may have a judgment or default judgment entered against the person if the hearing examiner determines that the person committed the parking infraction. If three or more judgments or default judgments are entered against a person and remain unpaid within ten days of the date of entry of the third judgment, the Parking Violations Bureau entering the judgments may give notice of that fact to the Registrar of Motor Vehicles. When such a notice is received, neither the Registrar nor any deputy registrar may accept a registration application from the person named in the notice until the Registrar is notified that the judgments have been paid, dismissed, or reversed on appeal, or that the initial notice was given in error.

The bill creates an exception to the \$100 maximum fine in current law. It provides that if a local authority chooses to adopt a fine specifically for a violation of a local law that regulates the standing or parking of a vehicle in a disability parking space, the fine the local authority establishes for the violation must be from \$250 to \$500 (sec. 4521.02). The bill defines "disability parking space" as a motor vehicle parking location reserved for the use 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 handicapped placard or license plates. Also, "person with a disability that limits or impairs the ability to walk" is defined by the bill as a person who is entitled to the use of a handicapped placard or license plate under existing law. (Sec. 4521.01(E) and (F).)

Under the bill, if a single non-criminal parking violation judgment is entered against a person for violating a disability parking regulation and the person has not paid the judgment or default judgment within ten days of the date of entry of the judgment, the Parking Violations Bureau may notify the Registrar and prohibit the person from registering a motor vehicle. Such notice must be given not earlier than 16 days nor later than three years after the date of entry of the judgment. The bill further states that, regardless of the amount of the fine imposed, a disability parking violation may be included as one of the three general non-criminal parking violations used to trigger a registration block. (Sec. 4521.10.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-03-03	p. 84
Reported, H. Transportation & Public Safety	01-27-04	p. 1555

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