



# Ohio Legislative Service Commission

Nick Thomas

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## Fiscal Note & Local Impact Statement

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**Bill:** Sub. H.B. 39 of the 128th G.A.      **Date:** March 15, 2010  
**Status:** As Reported by House Public Safety & Homeland Security      **Sponsor:** Rep. Fende

**Local Impact Statement Procedure Required:** No — Minimal Cost

**Contents:** Requires disability parking spaces to be cleared of snow and ice under certain conditions

### State Fiscal Highlights

- No direct fiscal effect on the state.

### Local Fiscal Highlights

- The bill requires that snow or ice that obstructs access to parking locations designated for disability use be removed if snow or ice has been removed from other parking locations within the same parking area. This requirement applies to political subdivisions as well as private owners. The bill creates a fine of between \$250 and \$500 for any violations of this provision. The revenue generated by these fines would be retained by the political subdivision that issued the fines.
- Presumably, county, municipal, and township work crews already clear disability parking spaces in parking areas for public buildings and would thus incur little or no new cost for complying with this requirement.
- The bill requires a political subdivision to remove snow or ice that obstructs access to a disability parking location if the location is on a road or parking area that has already been cleared. Political subdivisions would thus incur some new costs for ensuring that access to these spaces is clear, although these costs are difficult to quantify.

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## **Detailed Fiscal Analysis**

The bill makes changes to the law related to the removal of snow and ice from parking spaces designated for use by the disabled. Specifically, the bill requires that the owner of any building or facility clear snow and ice from disability parking locations if other parking spaces within the parking area have been cleared and imposes a fine of between \$250 and \$500 for any violation. The bill also requires a political subdivision to remove snow or ice that obstructs access to a disability parking location if the location is on a road or parking area that has already been cleared. This provision could lead to higher snow and ice removal costs for political subdivisions, especially municipalities.

### **Impact on political subdivisions**

#### **Roads**

Political subdivisions, especially municipalities, could incur new costs for assuring the accessibility of disabled parking spaces along roads and within parking areas that have been cleared of snow or ice. Many of the spaces, however, are located in residential areas where, after a substantial snowfall, street clearing is a lower priority than other high-use roadways. In the city of Columbus, for example, where there are over 2,000 parking places reserved for disabled use, street crews plow residential areas only when four inches or more of snow has fallen. Regardless, whether they are residential streets or more heavily used roadways, road crews do not generally make a specific effort to clear parking spaces for the disabled. Revising snow and ice removal policies to comply with the bill would therefore cause political subdivisions to incur higher costs for clearing residential streets, generally for keeping plows in operation for longer durations.

#### **Parking areas**

The bill would also affect political subdivisions that own and maintain parking lots for use by their employees and visitors. Although it is general practice among the political subdivisions contacted by LSC to remove snow and ice within 24 hours, political subdivisions where this is not always the case could incur some new costs for making sure that disabled parking locations are usable.

#### **State buildings**

The Ohio Building Authority (OBA) and the Department of Administrative Services (DAS) are responsible for the majority of parking spaces owned and maintained by the state. OBA oversees parking associated with five state buildings in Columbus, Cleveland, Toledo, and Akron. All OBA parking spaces are covered and would therefore most likely not be affected by inclement weather conditions. The Office of Properties and Facilities in DAS is responsible for clearing snow from uncovered parking spaces at the additional state-owned buildings in Columbus. DAS maintains four state buildings in Columbus, including the Governor's residence.

Because DAS's current policy is to clear these parking spaces within 24 hours of snowfall, the bill would not likely impose new costs on the agency.

### **Penalties and fines**

Under the bill, political subdivisions and other building owners who are currently required to maintain disabled parking and do not assure that these spaces have been cleared along with other parking areas are subject to a fine of between \$250 and \$500. Like other parking violations, the fines would be issued by parking enforcement officers or police officers. Any revenue generated from the fine would be retained by the political subdivision that issues the violation. The amount of revenue that the new fine would generate is difficult to determine and would largely depend on enforcement. The law would probably be enforced selectively, as police officers are more likely to focus on other matters, such as traffic control and accident reports, in the aftermath of a snow or ice storm. Therefore, the penalty is unlikely to generate significant new revenues.