



Sub. H.B. 30*

125th General Assembly
(As Reported by S. Highways & Transportation)

Reps. Williams, Kearns, Calvert, Flowers, S. Patton, Perry, Price, Reinhard, Schlichter, Widowfield, Carano, Distel, Driehaus, C. Evans, D. Evans, T. Patton, Peterson, Redfern, Setzer, Sferra, Taylor

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.
- For documentation regarding each criminal conviction and plea of guilty before a municipal court, county court, or court of common pleas, modifies both the form for document retention and the length of time that certain documents must be retained by the clerk of each court.

CONTENT AND OPERATION

Non-criminal disability parking

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.

** This analysis was prepared before the report of the Senate Highways and Transportation Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

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.)

Retention of evidence of criminal convictions

Current law requires the clerk of each municipal court, county court, and court of common pleas (notwithstanding the Revised Code's other records retention and destruction provisions), to retain documentation regarding each criminal conviction and plea of guilty involving a case that is or was before the court. The documentation must be in a form that is admissible as evidence in a criminal proceeding as evidence of a prior conviction and must be retained by the clerks for a period of 50 years after the entry of judgment in the case. The bill

modifies both the form for document retention and the length of time that certain documents must be retained.

The bill continues the provision of current law that documentation concerning prior convictions be retained in a form that is admissible as evidence, but adds that this documentation alternatively may be retained in a form that is *readily convertible to or producible in a form* that is admissible as evidence in a criminal proceeding. For documentation of cases concerned with misdemeanor traffic offenses other than *minor* misdemeanor offenses or *minor* misdemeanor traffic offenses, the bill requires the documentation to be retained for a period of 25 years after the entry of judgment in the case as opposed to the current law requirement to retain the documentation for 50 years. For documentation of cases solely concerned with *minor* misdemeanor offenses or *minor* misdemeanor traffic offenses, the bill establishes a requirement for the clerk to comply with existing law provisions that generally allow the destruction or other disposition of such cases that have been finally disposed of for at least five years without having copied or reproduced the files prior to their destruction. (Secs. 1901.41, 1907.231, and 2301.141.)

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|--|----------|---------------|
| Introduced | 02-03-03 | p. 84 |
| Reported, H. Transportation & Public Safety | 01-27-04 | p. 1555 |
| Passed House (91-4) | 04-21-04 | pp. 1779-1780 |
| Reported, S. Highways & Transportation | --- | --- |

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