



Lynda J. Jacobsen

Bill Analysis
Legislative Service Commission

H.B. 312

126th General Assembly
(As Introduced)

**Reps. C. Evans, Trakas, DeGeeter, Yuko, Williams, Fende, Allen, S. Patton,
D. Evans, Key, Chandler**

BILL SUMMARY

- Requires a board of elections to ensure that the minimum number of handicapped parking spaces are designated at polling places in accordance with federal regulations and state law.
- Requires the director of the board of elections in each county, after the closing of the polls on the day of an election, to sign a statement verifying that each polling place used in that county meets the disability parking requirements, and requires that statement to be sent to the Secretary of State with the results of the unofficial count of the ballots.

CONTENT AND OPERATION

Handicapped accessibility for polling places

Existing law generally requires a board of elections to ensure that polling places are free of barriers that would impede ingress and egress of handicapped persons. The entrances must be level or provided with a nonskid ramp of not over 8% gradient, and the doors must be a minimum of 32 inches wide. However, upon certification by a board of elections that a good faith, but unsuccessful, effort has been made to modify or change the location of a polling place, the Secretary of State may exempt a polling place from these requirements. (R.C. 3501.29.)

Handicapped parking at polling places

The bill retains these requirements and also imposes requirements for handicapped parking for polling places. Under the bill, a board of elections also must ensure that the minimum number of special parking locations, also known as handicapped parking spaces or disability parking spaces, for handicapped persons

are designated at polling places in accordance with federal regulations and state law. (R.C. 3501.29(B)(1)(b).)

General requirements for special parking locations

State Transportation Law, which generally adheres to federal law, requires special parking locations and privileges for persons with disabilities that limit or impair the ability to walk to be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities of the state at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations must be designated through the posting of an elevated sign that is imprinted with the international symbol of access and must be reasonably close to exits, entrances, elevators, and ramps. (R.C. 4511.69(E).) Under continuing law, no owner of an office, facility, or parking garage where special parking locations are required to be designated may fail to properly mark the special parking locations or fail to maintain the markings of the special locations, including the erection and maintenance of the elevated signs. An owner who fails to properly mark that parking must first be issued a warning. If the person previously has been convicted of or pleaded guilty to such a violation of the Revised Code or of a municipal ordinance that is substantially similar, the offender must be fined not more than \$25 for each parking location that is not properly marked or whose markings are not properly maintained. (R.C. 4511.69(H) and (J)(3).)

Only a vehicle that is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk or by or for a handicapped person and that is displaying a valid windshield placard or special license plate may be parked in such a special parking location (R.C. 4511.69(F)(1)). Any motor vehicle that is parked in a special marked parking location in violation of this provision may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed must not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.¹ (R.C. 4511.69(F)(2).)

In addition to having the motor vehicle towed, a person who parks in a special marked parking location who is not eligible to park in that location is

¹ *If the motor vehicle is a leased vehicle, it must not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.*

guilty of a misdemeanor. The person generally must be fined not less than \$250 nor more than \$500. However, the person must not be fined more than \$100 if the person is able to prove that offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates. (R.C. 4511.69(J)(2).)

Verification of handicapped parking availability

The bill requires the director of the board of elections in each county to sign a statement after the time for the closing of the polls on the day of an election. The statement must verify that each polling place used in that county at that election meets the disability parking requirements. The signed statement must be sent to the Secretary of State by certified mail along with the results of the unofficial count of the ballots. (R.C. 3501.29(E).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-12-05	p. 1531

H0312-I-126.doc/jc

