



Am. H.B. 312

126th General Assembly
(As Passed by the House)

Reps. C. Evans, Trakas, DeGeeter, Yuko, Williams, Fende, Allen, S. Patton, D. Evans, Key, Chandler, D. Stewart, Law, Uecker, Hughes, DeWine, Wolpert, Brown, Sayre, Driehaus, White, Barrett, Blessing, Calvert, Combs, Flowers, Garrison, Harwood, Latta, J. McGregor, Mitchell, Otterman, T. Patton, Perry, Reidelbach, Schaffer, Schlichter, Setzer, G. Smith, J. Stewart, Taylor, Wagoner, Woodard, Book

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, before the day of an election, to sign a statement verifying that each polling place that will be used in that county meets the disability parking requirements, and requires that statement to be sent to the Secretary of State.

CONTENT AND OPERATION

Handicapped accessibility for polling places: continuing law

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. Their entrances must be level or provided with a nonskid ramp of not over 8% gradient, and their 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(B).)

Handicapped parking at polling places

Changes proposed by the bill

The bill retains the latter accessibility requirements and also imposes requirements for handicapped parking at polling places. Under the bill, a board of elections 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* (see below).¹ (R.C. 3501.29(B)(1)(b).)

General requirements for special parking locations: continuing law

The 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, by the state, and by 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).)

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 a *Revised Code violation* for such a failure or to a *violation of a substantially similar municipal ordinance* for such a failure, 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 (1) 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 (2) that is displaying a valid windshield placard or special license plates may be stopped, stand, or 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 by the relevant law enforcement agency. A motor vehicle that is towed

¹ 28 C.F.R. Part 36, Appendix A.

or removed must not be released to its owner until the owner presents proof of ownership and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.² (R.C. 4511.69(F)(2).)

A person who stops, stands, or parks in a special marked parking location but is not eligible to do so is guilty of a misdemeanor. The person generally must be fined not less than \$250 or more than \$500. However, the person cannot be fined more than \$100 if the person is able to prove (1) that the 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 or handicapped license plates that then were valid but (2) 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 before the day of an election. The statement must verify that each polling place that will be used in that county at that election meets the handicapped parking requirements discussed previously. The signed statement must be sent to the Secretary of State by certified mail. (R.C. 3501.29(E).)

HISTORY

ACTION	DATE
Introduced	07-12-05
Reported, H. Elections and Ethics	05-11-06
Passed House (90-0)	05-16-06

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² *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 and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.*