



**House
Legislative
Analysis
Section**

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HANDICAPPER PARKING

Senate Bill 502 (Substitute H-2)
First Analysis (12-7-87)

Sponsor: Sen. Jerome T. Hart
Senate Committee: State Affairs, Tourism and
Transportation
House Committee: Transportation

THE APPARENT PROBLEM:

The Michigan Vehicle Code contains several provisions under which handicappers may obtain special parking certificates, license plates, and license tabs. However, there are no provisions to allow handicapper parking privileges to be granted to a facility or organization that regularly provides services to handicappers. In the Saginaw County school district, for example, the Melvin Millet Center has a physical education facility for physically and mentally handicapped children. While the center has several small vans that are used to transport the students to various activities, the vans cannot be parked in handicapper parking spaces. To address this type of situation, the code's handicapper parking provisions should be broadened.

Recently, it has been noted that the abuse of temporary handicap certificates has increased. It has been suggested that regulations regarding the both temporary and permanent certificates be adjusted to decrease the possibility of abuse.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to allow nonprofit organizations which provide specialized services to handicappers to receive a handicapper certificate to be used in motor vehicles owned by the organization which transport handicappers who receive services from the organization. If the organization ceased to provide specialized services to handicappers the certificate would be returned to the secretary of state for destruction. A person with a certificate or special registration indicating that the person had a handicap would be allowed to park free of charge in a metered parking space under the bill.

The bill would also change some handicapper certificate regulations. For example, the secretary of state may currently issue temporary six-month certificates to persons with a temporary handicap. Under the bill, certificates could be issued for a period of not less than one month to a handicapper with a temporary handicap. The bill would make provisions for a four-year certificate for handicappers with a permanent handicap, and would establish a \$5 fee for duplicate certificates.

Under current law, when a person is convicted of an offense involving a violation of the special privileges conferred upon holders of a handicap certificate a magistrate or judge may confiscate the certificate and return it to the secretary of state. The bill would provide that upon receipt of a certificate from a judge or magistrate, the secretary of state would be required to destroy the certificate, and the handicapper to whom it was issued would be prohibited from receiving another until he or she submitted a completed application and presented a current medical statement attesting to his or her handicap. In addition, a law enforcement officer who observed the misuse of a certificate could immediately

confiscate the certificate and forward it to the secretary of state who could return it to the handicapper.

The bill would define the term "permanent handicap" to mean a physical characteristic categorized as a handicap that significantly limited ambulation or necessitated the use of a wheelchair for mobility, or blindness, for which there was a present medical expectation that the handicap would always persist and never significantly improve. "Temporary handicap" would mean a physical characteristic categorized as a handicap that significantly limited ambulation or necessitated the use of a wheelchair for mobility, or blindness, for which there was a present medical expectation that the handicap would improve or would persist for not more than four years.

MCL 257.675 et al.

HOUSE COMMITTEE ACTION:

The House Transportation Committee reported a substitute of the bill which would strengthen regulation of handicap certificates and allow handicappers to park free of charge at metered spaces.

FISCAL IMPLICATIONS:

According to the Department of State, the bill would generate some additional revenues because of the implementation of the \$5 duplication fee. An estimate is not available at this time. (12-2-87)

ARGUMENTS:

For:

The bill will resolve the problem faced by the Millet Center in Saginaw County and similar facilities throughout the state. People who drive vehicles that are used to transport handicappers on a daily basis should be able to use handicapper parking spaces. While a certificate can be carried from vehicle to vehicle, doing so requires the handicapper to have the certificate and remember to bring it (something that may be particularly difficult to achieve for handicapped children). As a result, current law inconveniences the organization that transports the handicapped persons by requiring them to park in the less accessible nonhandicapper areas, and may endanger the handicappers by forcing them to walk or move their wheelchairs across more ground to reach their destination. Under the bill, however, the organization itself could obtain a special certificate and take advantage of handicapper parking spaces.

For:

The bill will provide for more stringent regulation of temporary handicap certificates by issuing them for not less than a one-month period instead of the automatic six-month period. There are many instances in which the

six-month certificate has been abused by persons who are no longer handicapped but continue to use the certificate anyway. By establishing certification based on need, instead of the automatic six-month certificate, the bill will force people to validate the fact that they actually need the certificate for an extended period of time and help eliminate abuse by those who only need it for a short time period.

For:

The bill will allow handicappers to park free of charge at metered parking. Currently, there are no general statutes regarding handicappers who park in metered spaces: some areas allow handicappers to park free of charge, while other areas have designated metered parking for the handicapped. With the establishment of a general guideline regarding handicappers parking at metered spaces, the bill will alleviate inconvenience for handicappers who are unsure which parking procedures to follow in different areas.

Against:

The bill should establish a fee for temporary handicap certificates. Certificates for temporary handicaps are a privilege, not a necessity. Therefore, the people who use the certificates should pay for the privilege.

Response: People with temporary handicaps are just as impaired as those with permanent handicaps. One of the purposes of a handicap certificate is to help maintain the safety of the user by decreasing the distance the handicapper has to travel across parking lots and streets. The danger to people temporarily handicapped is just as authentic as for those who are permanently handicapped. Therefore, people who are temporarily handicapped should not have to pay an extra fee.

POSITIONS:

The Department of State supports the bill. (12-2-87)

The Michigan Commission on Handicapper Concerns supports the concept of the bill. (12-2-87)