



**House  
Legislative  
Analysis  
Section**

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### ***THE APPARENT PROBLEM:***

Abuses of handicapper parking laws are a source of daily frustration for handicappers attempting to work, shop, and move about freely in their communities. Reportedly, violations of these laws are common due to inconsistent use of signs and parking space width, fraudulent use of handicapper plates, inconsistent and ineffective law enforcement, and low fines and penalties that do little to deter illegal parking in handicapper designated spaces. Some people feel the Michigan Vehicle Code should be amended to provide for stricter penalties for handicapper parking violations and to allow for alternative forms of parking enforcement. Further, some handicappers apparently feel the act's definition of "handicapper" is too narrow, resulting in some drivers being denied a needed handicapper designation.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Michigan Vehicle Code to provide for stricter enforcement of the act's provisions concerning handicapper parking and increased penalties for violations of these provisions, and would expand the definition of "handicapper." The bill would take effect 90 days after its enactment.

Definition. The term "handicapper" currently means a person who is blind or has a physical characteristic categorized as a handicap which limits ambulation or requires the use of a wheelchair for mobility. The bill would define a handicapper to be a person with one or more of the following physical characteristics:

- blindness;
- inability to ambulate more than 200 feet without having to stop and rest during any time of the year;
- loss of the use of one or both legs or feet;
- inability to ambulate without the prolonged use of a wheelchair, walker, crutches, braces, or other device required to aid mobility;
- a debilitating lung disease;
- a cardiovascular disease which classified the person between 3 and 4 on the New York Classification Scale or from which a marked limitation of physical activity causes fatigue, palpitation, dyspnea, or anginal pain; or
- another diagnosed disease or disorder including, but not limited to, severe arthritis, or a neurological or orthopedic impairment that severely limits mobility.

Further, the bill specifies that persons holding special registration plates to which a handicapper tab was attached (for purposes of transporting handicappers) would be legally "entitled to courtesy" for the parking of his or her vehicle, including free parking in a metered parking space.

Enforcement. The bill would extend the circumstances under which a police agency or police-designated

## **STRENGTHEN HANDICAPPER PARKING LAWS**

Senate Bill 115 (Substitute H-1)  
First Analysis (5-15-89)

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JUN 06 1989

Sponsor: Sen. Doug Cruce Mich. State Law Library  
Senate Committee: Human Resources & Senior Citizens  
House Committee: Transportation

governmental agency could remove a vehicle from public or private property, to include situations in which the vehicle was illegally stopped, parked, or standing in a handicapper-designated space. A law enforcement agency or a county, city, village, or township could implement or administer a program to authorize and use persons other than police officers as volunteers to issue citations for violations of the act, or other local ordinances pertaining to handicap parking laws. The agency or local governmental unit, however, would have to implement a program to train these persons to issue citations properly before they would be authorized to do so.

Fines, Penalties. The bill would increase from \$20 to \$50 the minimum fine that could be assessed for illegally parking in a handicapper parking space. Also, a person would be guilty of a misdemeanor punishable by a maximum fine of \$100 if he or she did any of the following:

- used a handicapper certificate of identification issued to provide transportation to a handicapper if the individual were not transporting a handicapper;
- altered, modified, or sold a handicapper certificate of identification;
- made a false statement of material fact to obtain a certificate of identification, a special registration plate, or a handicapper tab; or
- intentionally made a false statement of material fact or committed or attempted to commit a deception or fraud on a medical statement attesting to a handicap submitted in support of an application for a certificate of identification or a special registration plate or handicapper tab.

If a person failed to appear in court to answer one or more parking violation notices or citations (for violating the act's provisions, or similar local ordinances, pertaining to handicapper parking) issued or served after the effective date of the bill, the court could inform the secretary of state of the person's failure to appear. The secretary of state then could not issue a license to the person until the court informed the secretary that the person had resolved all outstanding matters regarding the notices or citations and paid a \$25 driver license reinstatement fee.

### ***HOUSE COMMITTEE ACTION:***

The House Committee on Transportation adopted a substitute for the bill that removed the provision that would make the bill's penalties apply retroactively to violation notices issued after March 31, 1981, and would make this provision apply only to notices issued after the effective date of the bill. The substitute also includes language which clarifies who could be authorized by governing agencies to issue citations for violations of handicapper parking laws.

### ***FISCAL IMPLICATIONS:***

According to the Senate Fiscal Agency, the bill would have an indeterminate fiscal impact on state and local governments. Increased court costs and workload would

depend on the number of violations and convictions under the bill. (3-9-89)

## **ARGUMENTS:**

### **For:**

The bill would strengthen handicapper parking laws by increasing fines, allowing towing of cars parked illegally in handicapper-designated parking places, and authorizing local governmental units to implement volunteer enforcement programs. Also, authorizing the secretary of state to deny a driver's license application for nonpayment of handicapped parking violation fines could decrease the number of unpaid violations. The act currently allows a city to authorize people other than police officers to issue and serve parking citations, and the City of Flint currently operates a volunteer program to help enforce handicapper parking laws. The bill would specifically authorize the operation of these programs, as long as volunteers received training to properly issue citations as specified, by qualified local governments.

### **Against:**

Although most would agree that handicappers are often deprived of the parking places specifically set aside for them, due to the inconsiderate — and unlawful — actions of non-handicappers, this bill goes too far in its proposed remedies. Currently, a person who fails to resolve six or more parking citations of any kind can be denied his or her driver's license. The bill proposes to deny a license for having failed to answer just one handicapper parking violation. With all due respect to handicappers, what about those who park in fire lanes or in front of fire hydrants? Violations of this kind can have a much more serious impact on public safety than handicapper parking violations. Further, this sanction could fall upon innocent persons who are not aware of violations committed by a relative or other person driving the person's vehicle.

## **POSITIONS:**

The Department of Civil Rights supports the bill. (5-10-89)

The Department of State supports the bill. (5-11-89)

The Michigan Commission on Handicapper Concerns, in the Department of Labor, strongly supports the bill. (5-11-89)

The Department of State Police supports the concept of the bill. (5-10-89)

The following testified before the House Committee on Transportation in support of the bill:

The Flint Police Department's Handicap Parking Enforcement Team (5-9-89)

The Michigan Paralyzed Veterans of America (5-9-89)