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BILL ANALYSIS

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Senate Bill 115 (as enrolled)

Sponsor: Senator Doug Cruce

Senate Committee: Human Resources and Senior Citizens

House Committee: Transportation

Date Completed: 7-14-89

PUBLIC ACT 89 of 1989**RATIONALE**

Abuses of handicapper parking are a source of daily frustration for handicappers attempting to work, learn, shop, and move about freely in their communities. Reportedly, such actions are very common because of 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 that the Michigan Vehicle Code should be amended to provide for more strict penalties for handicapper parking violations and to allow for alternative forms of parking enforcement. In addition, some handicappers reportedly believe that the Code's definition of "handicapper" is too narrow and, consequently, results in the inability of some drivers to receive a needed handicapper designation.

CONTENT

The bill would amend the Michigan Vehicle Code to provide for greater enforcement of the Code's provisions concerning handicapper parking, and increased penalties for violations of these provisions, and to specify a more detailed definition of the term "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 necessitates the use of a wheelchair for mobility. The bill would define a handicapper as 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 from which the person measures between 3 and 4 on the New York Heart Classification Scale or from which a marked limitation of physical activity causes fatigue, palpitation, dyspnea, or anginal pain.
- Other diagnosed disease or disorder including, but not limited to, severe arthritis, or a neurological or orthopedic impairment that creates a severe mobility limitation.

In addition, 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 in the parking of a vehicle, including free parking in a metered parking space".

S.B. 115 (7-14-89)

Enforcement

The bill would extend the circumstances under which a police agency or governmental agency designated by the police can remove a vehicle from public or private property, to include situations in which the vehicle was illegally stopped, parked or standing in a space designated for handicapper parking.

Further, the bill would allow a law enforcement agency or a county, city, village, or township to implement or administer a program to authorize and use persons other than police officers as volunteers to issue citations for violations of the Code's provisions or local ordinances concerning parking in spaces designated for handicappers. The agency or local unit of government, however, would have to implement a program to train the persons to issue citations properly before they would be authorized to do so.

Fines and Penalties

The bill would increase from \$20 to \$50 the minimum fine for illegally parking in a handicapper parking space. In addition, 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.
- 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.

The bill specifies that if a person failed to appear in court to answer two or more parking violation notices or citations, issued or served

after the bill's effective date, for violating a provision of the Code or an ordinance pertaining to handicapper parking, the court could inform the Secretary of State of the person's failure to appear. The Secretary of State then would be prohibited from issuing 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.

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FISCAL IMPACT

The bill would have an indeterminate impact on State and local units of government. Increased court costs and workload would depend on the number of violations and convictions under the bill.

ARGUMENTS

Supporting Argument

The bill would strengthen handicapper parking laws by increasing fines, allowing towing of cars parked illegally in handicapper-designated parking places, and allowing more local units to implement volunteer enforcement programs. The Code currently allows a city to authorize people other than police officers to issue and serve parking citations and the City of Flint reportedly has implemented a volunteer program to enforce handicapper parking laws. The bill would specifically authorize the implementation of such programs, provided that the volunteers received training in the proper issuance of citations, by all types of local units.

Opposing Argument

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 nonhandicappers, 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 two handicapper parking violations. Those who park in fire lanes or in front of fire hydrants can have a much more serious impact on public safety than handicapper parking violators, yet these

violations do not carry such strict penalties. 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.

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