

HOUSE BILL No. 5413

December 12, 1991, Introduced by Reps. McBryde, Hertel, Bartnik, Kosteva, Olshove, Wozniak, Leland, Hoffman, Brown, Stallworth, Joe Young, Jr., Alley, Knight, Allen, Dobb, Walberg, Munsell, McNutt, Horton, Willis Bullard, Brackenridge, Robertson, Baade, Fitzgerald, Gnodtke, O'Connor, Bryant, Perry Bullard, Hoekman, Sparks, Dalman, Oxender, Strand, London, Bender, Goss, Jamian, Bobier, Harder, Shugars, Middleton, Bodem, Bankes, Hillegonds, Martin, Sikkema, Ostling, Muxlow, Trim, Emerson, Anthony, Bandstra, Gernaat, Van Singel, Randall, Jondahl, Pitoniak, Niederstadt, DeBeaussaert, Profit, Hunter, Stopczynski, Jacobetti, Nye, Gagliardi, Jonker, Griffin, DeLange and Dobronski and referred to the Committee on Transportation.

A bill to amend section 675 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

as amended by Act No. 272 of the Public Acts of 1990, being section 257.675 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 675 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 272 of the Public Acts of 1990, being
3 section 257.675 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 675. (1) Except as otherwise provided in this section
6 and this chapter, a vehicle stopped or parked upon a highway or
7 street shall be stopped or parked with the wheels of the vehicle
8 parallel to the roadway and within 12 inches of any existing
9 right-hand curb.

1 (2) A local authority may by ordinance permit parking of
2 vehicles with the left-hand wheels adjacent to and within 12
3 inches of the left-hand curb of a 1-way roadway.

4 (3) A local authority may by ordinance permit angle parking
5 on a roadway, except that angle parking shall not be permitted on
6 a state trunk line highway.

7 (4) The state transportation commission with respect to
8 state trunk line highways and the board of county road commis-
9 sioners with respect to county roads, acting jointly with the
10 director of the department of state police, may place signs pro-
11 hibiting or restricting the stopping, standing, or parking of
12 vehicles on a highway where in the opinion of the officials as
13 determined by an engineering survey, the stopping, standing, or
14 parking is dangerous to those using the highway or where the
15 stopping, standing, or parking of vehicles would unduly interfere
16 with the free movement of traffic on the highway or street. The
17 signs shall be official signs and a person shall not stop, stand,
18 or park a vehicle in violation of the restrictions stated on the
19 signs. The signs shall be installed only after a proper traffic
20 order is filed with the county clerk. Upon the application to
21 the state transportation commission by a home rule city affected
22 by an order, opportunity shall be given to the city for a hearing
23 before the state transportation commission, pursuant to the
24 administrative procedures act of 1969, Act No. 306 of the Public
25 Acts of 1969, as amended, being sections 24.201 to 24.328 of the
26 Michigan Compiled Laws, except when an ordinance of the home rule
27 city prohibits or restricts the parking of vehicles on a state

1 trunk line highway; when the home rule city, by lawfully
2 authorized official action, requests the state transportation
3 department to prohibit or restrict parking on a state trunk line
4 highway; or when the home rule city enters into a construction
5 agreement with the state transportation department providing for
6 the prohibition or restriction of parking on a state trunk line
7 highway during or after the period of construction. Traffic con-
8 trol orders, so long as they affect parking upon a state trunk
9 line highway within the corporate limits of a home rule city, are
10 considered "rules" within the meaning of Act No. 306 of the
11 Public Acts of 1969, as amended, and upon application for a hear-
12 ing by a home rule city, the proceedings before the state trans-
13 portation commission shall be considered a "contested case"
14 within the meaning of that act.

15 (5) A handicapper is entitled to receive, and the secretary
16 of state may issue, under the rules and upon the application as
17 the secretary of state prescribes, a serially numbered transfer-
18 able certificate of identification for the personal use of the
19 handicapper. ~~The rules shall provide that if the handicapper~~
20 ~~personally applies at a branch office of the secretary of state~~
21 ~~and if it appears obvious that the handicapper has a qualifying~~
22 ~~handicap, the handicapper shall not be required to present a med-~~
23 ~~ical statement attesting to the handicap.~~ A CERTIFICATE OF IDEN-
24 TIFICATION SHALL BE EITHER WHITE OR BLUE IN COLOR. THE APPLICA-
25 TION FOR A CERTIFICATE OF IDENTIFICATION SHALL BE ACCOMPANIED BY
26 A MEDICAL STATEMENT FROM A PHYSICIAN NOT RELATED TO THE
27 HANDICAPPER ATTESTING TO THE NATURE AND ESTIMATED DURATION OF THE

1 HANDICAP. The secretary of state may issue a certificate of
2 identification valid for a period of not less than 1 month to a
3 handicapper who has a temporary handicap or a certificate of
4 identification valid for at least 4 years to a handicapper who
5 has a permanent handicap. An original certificate of identifica-
6 tion issued to a handicapper with a permanent handicap shall
7 expire on the handicapper's fifth birthday after the date of
8 issuance. A renewal certificate issued to a permanent handicap-
9 per shall expire on the handicapper's fourth birthday after its
10 issuance. A person holding a certificate of identification at
11 any time within 45 days before the expiration of his or her cer-
12 tificate may make application for a new certificate as provided
13 for in this section. However, if the person will be out of state
14 during the 45 days immediately preceding expiration of the cer-
15 tificate or for other good cause shown cannot apply for a certif-
16 icate within the 45-day period, application for a new certificate
17 may be made not more than 6 months before expiration of the
18 certificate. This new certificate when granted shall expire as
19 provided for in this subsection. Upon application as prescribed
20 by the secretary of state, a handicapper may be issued a dupli-
21 cate certificate of identification for a fee of \$10.00. The cer-
22 tificate may be used by a person other than the handicapper for
23 the sole purpose of providing transportation to the handicapper.
24 An organization which provides specialized services to handicap-
25 pers may apply for and receive a handicapper certificate of iden-
26 tification to be used in motor vehicles used by the organization
27 and used to transport handicappers who receive services from the

1 organization. If the organization ceases to provide specialized
2 services to handicappers, the certificate shall be returned to
3 the secretary of state for destruction.

4 (6) A handicapper holding a WHITE certificate of identifica-
5 tion, a person having special registration plates issued under
6 section 803d, a person holding a special registration plate to
7 which a handicapper tab is attached issued under section 803f, a
8 handicapper holding a similar certificate of identification from
9 another state, or a person having special handicapper registra-
10 tion plates from another state shall be entitled to courtesy in
11 the parking of a vehicle, including free parking in a metered
12 parking space, which courtesy shall relieve the handicapper or
13 the person transporting the handicapper from liability for a vio-
14 lation with respect to parking, other than in violation of this
15 act. A BLUE CERTIFICATE OF IDENTIFICATION PERMITS THE HANDICAP-
16 PER OR PERSON TRANSPORTING THE HANDICAPPER TO PARK A VEHICLE IN A
17 HANDICAPPER PARKING SPACE BUT DOES NOT PERMIT FREE PARKING AT
18 THAT SPACE. A BLUE CERTIFICATE OF IDENTIFICATION SHALL BE ISSUED
19 ONLY TO A HANDICAPPER WHO, DESPITE THE PRESENCE OF A HANDICAP, IS
20 ABLE TO PAY THE PARKING FEE FOR A HANDICAPPER PARKING SPACE. THE
21 SECRETARY OF STATE SHALL MODIFY THE HANDICAPPER PARKING PERMIT
22 APPLICATION TO REQUIRE A PHYSICIAN TO CERTIFY THAT THE HANDICAP-
23 PER QUALIFIES FOR A BLUE CERTIFICATE OF IDENTIFICATION. A local
24 authority may, by ordinance, prohibit parking on a street or
25 highway for the purpose of creating a fire lane or to provide for
26 the accommodation of heavy traffic during morning and afternoon
27 rush hours and the privileges extending to veterans and

1 physically handicapped persons under this subsection shall not
2 apply on streets or highways where and at the times the parking
3 is so prohibited.

4 (7) A certificate of identification issued as provided in
5 subsection (5) shall be displayed on the lower left corner of the
6 front windshield of the vehicle while being parked by or under
7 the direction of a handicapper pursuant to this section. Upon
8 conviction of an offense involving a violation of the special
9 privileges conferred upon holders of the certificates of identi-
10 fication, a magistrate or judge trying the case, as a part of any
11 penalty imposed, may confiscate the serially numbered certificate
12 of identification and return the certificate of identification to
13 the secretary of state together with a certified copy of the sen-
14 tence imposed. Upon receipt of a certificate of identification
15 from a judge or magistrate, the secretary of state shall destroy
16 the certificate, and the handicapper to whom it was issued shall
17 not receive another certificate until he or she submits a com-
18 pleted application and presents a current medical statement
19 attesting to his or her handicap. A person, other than a handi-
20 capper to whom the certificate of identification was issued or a
21 person who used a certificate of identification for the sole pur-
22 pose of providing transportation to a handicapper, who uses a
23 certificate of identification for the purpose of parking a vehi-
24 cle as permitted by this subsection is guilty of a misdemeanor,
25 and a law enforcement officer who observes this misuse of a cer-
26 tificate of identification may immediately confiscate the

1 certificate and forward it to the secretary of state, who may
2 return it to the handicapper.

3 (8) A person who intentionally makes a false statement of
4 material fact or commits or attempts to commit a deception or
5 fraud on a medical statement attesting to a handicap, submitted
6 in support of an application for a certificate of identification
7 or a special registration plate or handicapper tab under this
8 section, section 803d, or section 803f, is guilty of a misdemean-
9 or, punishable by a fine of not more than \$100.00.

10 (9) A person who commits or attempts to commit a deception
11 or fraud by 1 or more of the following methods is guilty of a
12 misdemeanor punishable by a fine of not more than \$100.00:

13 (a) Using a handicapper certificate of identification issued
14 under this section or by another state to provide transportation
15 to a handicapper, when the person is not providing transportation
16 to a handicapper.

17 (b) Altering, modifying, or selling a handicapper certifi-
18 cate of identification issued under this section or by another
19 state.

20 (c) Making a false statement of material fact to obtain a
21 certificate of identification under this section, a special reg-
22 istration plate under section 803d, or a handicapper tab under
23 section 803f.

24 (10) Except as otherwise provided in this section, a person
25 who violates this section is responsible for a civil infraction.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. __ or House Bill No.⁵⁴¹⁴ (request no. 03842'91) of
3 the 86th Legislature is enacted into law.