

# HOUSE BILL No. 5414

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, Horton, London, Sikkema, Baade, Fitzgerald, Bandstra, Gnodtke, O'Connor, Bryant, Perry Bullard, Hoekman, Sparks, McNutt, Willis Bullard, Brackenridge, Robertson, Dalman, Oxender, Strand, Bender, Goss, Jamian, Bobier, Shugars, Middleton, Bodem, Bankes, Hillegonds, Martin, Ostling, Muxlow, Trim, Emerson, Anthony, Gernaat, Van Singel, Randall, Jondahl, Pitoniak, Harder, Niederstadt, DeBeaussaert, Profit, Hunter, Stopczynski, Jacobetti, Nye, Gagliardi, Griffin, DeLange, Jonker 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. EXCEPT AS  
25 OTHERWISE PROVIDED IN THIS SUBSECTION, AT THE TIME OF RENEWAL OF  
26 A CERTIFICATE OF IDENTIFICATION THE HANDICAPPER SHALL PRESENT A  
27 MEDICAL STATEMENT FROM A PHYSICIAN NOT RELATED TO THE HANDICAPPER

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

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

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

1 rush hours and the privileges extending to veterans and  
2 physically handicapped persons under this subsection shall not  
3 apply on streets or highways where and at the times the parking  
4 is so prohibited.

5       (7) A certificate of identification issued as provided in  
6 subsection (5) shall be displayed on the lower left corner of the  
7 front windshield of the vehicle while being parked by or under  
8 the direction of a handicapper pursuant to this section. Upon  
9 conviction of an offense involving a violation of the special  
10 privileges conferred upon holders of the certificates of identi-  
11 fication, a magistrate or judge trying the case, as a part of any  
12 penalty imposed, may confiscate the serially numbered certificate  
13 of identification and return the certificate of identification to  
14 the secretary of state together with a certified copy of the sen-  
15 tence imposed. Upon receipt of a certificate of identification  
16 from a judge or magistrate, the secretary of state shall destroy  
17 the certificate, and the handicapper to whom it was issued shall  
18 not receive another certificate until he or she submits a com-  
19 pleted application and presents a current medical statement  
20 attesting to his or her handicap. A person, other than a handi-  
21 capper to whom the certificate of identification was issued or a  
22 person who used a certificate of identification for the sole pur-  
23 pose of providing transportation to a handicapper, who uses a  
24 certificate of identification for the purpose of parking a vehi-  
25 cle as permitted by this subsection is guilty of a misdemeanor,  
26 and a law enforcement officer who observes this misuse of a  
27 certificate 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. 5413 (request  
3 no. 03841'91) of the 86th Legislature is enacted into law.