



**House  
Legislative  
Analysis  
Section**

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**HANDICAPPER PARKING PERMITS**

**Senate Bill 862 with House committee  
amendments  
Revised First Analysis (3-9-94)**

**Sponsor: Sen. Doug Carl  
Senate Committee: Transportation &  
Tourism  
House Committee: Transportation**

***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. The most frequent problems involve fraudulent use of handicapper plates, inconsistent and ineffective law enforcement, and low fines and penalties that seem to do little to deter illegal parking in handicapper designated spaces. Public Act 89 of 1989 attempted to address some of these problems by providing for stricter enforcement of handicapper parking laws and increasing fines and penalties for violations of those laws. Handicappers and others, however, complain that many non-disabled people continue either to use handicapper parking spots illegally or are able to obtain special handicapper parking privileges even though they may have only a minor or very temporary disability. This problem is especially acute in larger urban areas where available parking space is scarce and expensive. Some people believe additional measures are needed not only to make it more difficult to obtain handicapper parking privileges but also to provide easier and more effective ways to ensure that only those who qualify for these privileges are using them. Also, in order to make persons think twice before illegally parking or fraudulently obtaining handicapper parking privileges, some believe stiffer penalties are needed.

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

The bill would amend the Michigan Vehicle Code to allow a handicapper to obtain a windshield placard (instead of the current certificate of identification) to place in his or her vehicle for parking purposes. The bill also would restrict free parking at public meters and in public structures to only those handicappers who obtained a free parking sticker from the secretary of state, and

would establish new criteria for obtaining the sticker. Finally, the bill would increase penalties for illegally obtaining a windshield placard or free parking sticker, and would revise the definition of "handicapper" to include a person who persistently relied on an oxygen source other than ordinary air. The bill would take effect October 1, 1994.

Windshield placard. Currently, a handicapper is entitled to obtain a certificate of identification for his or her use. If a handicapper personally applies for a certificate and it appears "obvious" that he or she has a qualifying handicap, the person cannot be required to present a medical statement attesting to the handicap. A handicapper who obtains a certificate of identification is entitled to free parking in a metered space. The bill would delete these provisions and, instead, allow a handicapper whose handicap was certified by a physician to obtain a windshield placard which would have to contain the person's driver's or chauffeur's license number or state personal identification number.

The bill would authorize the secretary of state to issue to a handicapper with a permanent handicap an original or renewal permanent windshield placard that would be valid for "at least four years" (i.e., it would expire on the handicapper's fifth birthday after it was issued).

Temporary windshield placard. Under the bill, the secretary of state could issue a temporary handicapper windshield placard for up to six months, and would delete provisions that allow the secretary of state to issue a temporary certificate of identification for up to four years.

Free parking sticker. Under the bill, a person could apply for a free parking sticker and would qualify

Senate Bill 862 (3-9-94)

for one if he or she were a licensed driver and a physician certified that the applicant was unable to do one or more of the following:

- \* Manage, manipulate or insert coins, tokens or tickets into parking meters or ticket machines in parking lots or structures because he or she lacked "fine motor control" of both hands;

- \* Reach above his or her head to a height of 42 inches from the ground, due to a lack of finger, hand or upper extremity strength or mobility;

- \* Approach a parking meter due to his or her use of a wheelchair or other device;

- \* Walk more than 20 feet due to an orthopedic, neurological, cardiovascular or lung condition in which the degree of debilitation was so severe that it "almost completely" impeded the ability to walk.

In order to park for free in a metered space or a publicly-owned parking area, a vehicle would have to display a windshield placard bearing 1) a free parking sticker, 2) a valid certificate of identification issued before the bill's effective date, or 3) a valid windshield placard, certificate of identification, handicapper license plate, or special registration plate with a handicapper tab attached that had been issued by another state. A vehicle that did not properly display one of these could not park for free in a metered parking space or other publicly-owned parking area, and the handicapper or vehicle operator would have to pay all parking fees and could be responsible for a civil infraction.

Under the bill, a person who was blind would not qualify for a free parking sticker unless he or she also had one of the listed incapacities. The secretary of state would have to attach a free parking sticker, in contrasting colors, to the windshield placard of someone who had a certifiable incapacity as defined in the bill.

Certificate of identification, renewal. The bill would "grandfather in" certificates of identification that had been issued before the bill's effective date so that vehicles to which they were attached could continue to park free at parking meters and other public parking spaces; they would be valid until the expiration date listed on them. Upon expiration, a certificate would have to be canceled. A certificate issued before the bill's effective date that did not contain an expiration date would expire and have to

be canceled when the bill took effect, and the secretary of state could not issue or renew a certificate after the bill took effect.

The secretary of state could cancel, revoke or suspend a windshield placard, free parking sticker or certificate of identification if he or she:

- \* determined that any one of them had been fraudulently or erroneously issued;

- \* determined that a person had or was using one of them unlawfully;

- \* determined that a check or draft that was used to pay the required fee was not paid on its first presentation and was not paid upon reasonable notice or demand, or that the fee was paid by an invalid credit card;

- \* determined that the person no longer was eligible to receive or use one of them;

- \* determined that the owner had committed an offense under the act involving one of them;

- \* was authorized, assuming someone had violated the act, to cancel, revoke or suspend one of them; or

- \* received notice from another state or foreign country that a placard, sticker or certificate issued by the secretary of state had been surrendered by the owner or seized in a lawful manner, or otherwise illegally used or displayed in the foreign country or other state.

A person who was subject to having his or her placard, sticker or certificate canceled, revoked or suspended would have to be given notice and an "opportunity to be heard."

Penalty provisions. Under the bill, a person who falsely obtained a windshield placard or a free parking sticker, who assisted someone else in obtaining one, or who knowingly used or displayed a certificate of identification, placard or sticker that had been canceled by the secretary of state would be guilty of a misdemeanor and could be fined up to \$500 or imprisoned up to 30 days, or both. These penalties also would apply to someone who forged or copied or used or sold handicapper parking documents, or to someone who knowingly used or displayed a certificate, placard or sticker

that had been canceled by the secretary of state. (Currently, someone who falsely obtains a certificate is guilty of a misdemeanor and subject to a maximum fine of \$100.)

MCL 257.19a et al.

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

The Department of State says the bill would result in additional administrative and personnel costs to the department, as well as costs related to designing the proposed windshield placard. The department estimates its first year costs of designing and producing the new placards would be about \$110,000 (which includes an additional 2.35 FTEs). (This projection assumes 150,000 placards would have to be made, which is the number of handicapper parking permits that the department currently issues on an annual basis.) (3-4-94)

### ***ARGUMENTS:***

#### ***For:***

Despite a number of changes made to the vehicle code by Public Act 89 of 1989 that were intended to strengthen handicapper parking laws, non-disabled drivers continue to take advantage of the easy access that handicapper parking spots provide to an office, grocery store and many other places. Among other things, the changes adopted in 1989 make violators subject to fines up to \$100 and allow local governments to train volunteers to work hand-in-hand with local law enforcement agencies to better enforce handicapper parking laws. Violations and abuses, however, continue to be a problem. The Department of State says one difficulty lies in how one qualifies to obtain special parking privileges under current law. For instance, under the act a person merely has to apply in person at a branch secretary of state office and "if it appears obvious" that he or she has a qualifying handicap, the person does not need to present a medical statement attesting to the disability and must be issued a special handicapper parking permit. Apparently, some people have faked a disability in order to obtain a permit illegally. Under the bill, a doctor would have to certify in writing that a person can't physically perform certain actions necessary either to approach a parking meter or to operate it in order for that person to qualify for a free parking sticker. The bill also would require a person to obtain and use a special windshield placard instead of a certificate of identification in order to get

special handicapper parking privileges. The placard would contain certain identifying information about the driver that a law enforcement official could easily spot to determine whether a vehicle belonged in a handicapper parking spot. And finally, violators of handicapper parking laws could be fined up to \$500, jailed for up to 30 days, or both; currently, the maximum penalty is merely a \$100 fine. All in all, the bill should both reduce the number of unqualified people who could obtain handicapper parking privileges and send a clear message that fraudulently obtaining a special permit or using handicapper parking spots illegally no longer will be tolerated and could result in a fairly significant penalty.

#### ***For:***

The bill would reduce the validation period of temporary handicapper parking privileges from up to four years to not more than six months. Also, these permits would not be transferable. Thus, people with temporary physical limitations could still obtain a temporary handicapper parking permit but only for a short time; if the condition persisted, the person merely would have to apply for another temporary permit. This should help both reduce the number of temporary permits that are used by persons who've recovered and in fact do not need them, as well as prevent people from lending or selling temporary permits to others.

#### ***For:***

The bill would bring Michigan into compliance with federal rules on handicapper parking, particularly with regard to the types of disabilities that a person must have to qualify for handicapper status.

#### ***Against:***

Some people are concerned the bill could prevent some people from qualifying for special parking privileges, even temporarily, who otherwise should be able to because of a physical condition or for times when weather conditions make approaching a parking meter difficult if not impossible (i.e., during winter months). Also, requiring a person to be certified by a doctor as having all of the disabilities described in the bill in order to qualify for a free parking sticker may be unreasonable. Among other things, a person would have to show he or she could not walk more than 20 feet due to some incapacitating condition. Many handicapper parking spots, in fact, lie much further than 20 feet (round trip) from business establishments and other public places. Rather than helping to ensure that people

who need access to handicapper parking actually receive it, this provision could inadvertently work to deny access to handicapper parking for some of the very people it was created to help.

The Detroit - based Coalition for the Human Rights of the Handicapped opposes the bill. (3-7-94)

### ***Against:***

Some of the bill's provisions appear to conflict with each other. The bill would amend Section 674(1)(v) to specify that a vehicle could not park in a metered parking spot that had run out of time unless it displayed a "windshield placard, certificate of identification, or special registration plate." On the other hand, Section 675(8) would be added to the act specifying that the windshield placard (if used) would have to bear a free parking sticker in order for a vehicle to be entitled to park in a metered parking space for free. According to a spokesman with the Disability Awareness Council of West Michigan, other technical changes should be made to clarify the types of items that could be used to qualify a vehicle to park either in a handicapper parking spot or for free in a regular metered parking place.

### ***SUGGESTED AMENDMENTS:***

A spokesman for the Legislative Service Bureau suggests an amendment to correct a technical problem with the bill. (3-4-94)

### ***POSITIONS:***

The Department of State supports the bill. (3-3-94)

The Michigan Commission for Handicapper Concerns, within the Department of Labor, supports the bill. (3-4-94)

The Arc Michigan, a 6,000-member organization that represents people with mental retardation and other developmental disabilities, supports the bill. (3-2-94)

The City of Lansing supports the bill. (3-7-94)

The Michigan Protection and Advocacy Service generally supports the bill, but is concerned that it may inadvertently restrict access to parking privileges for some people with severe mobility impairments. (3-8-94)

The Disability Awareness Council of West Michigan does not support the bill. (3-7-94)