

# HOUSE BILL No. 5879

May 20, 1998, Introduced by Reps. Law, Kukuk, Rhead, Gernaat and Bobier and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 675 (MCL 257.675), as amended by 1998 PA 68.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

6       (2) A local authority may by ordinance permit parking of a  
7 vehicle on a 1-way roadway with the vehicle's left wheels adja-  
8 cent to and within 12 inches of any curb existing at the left of  
9 the vehicle.

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

4       (4) The state transportation commission with respect to  
5 state trunk line highways and the board of county road commis-  
6 sioners with respect to county roads, acting jointly with the  
7 director of the department of state police, may place signs pro-  
8 hibiting or restricting the stopping, standing, or parking of  
9 vehicles on a highway where in the opinion of the officials as  
10 determined by an engineering survey, the stopping, standing, or  
11 parking is dangerous to those using the highway or where the  
12 stopping, standing, or parking of vehicles would unduly interfere  
13 with the free movement of traffic on the highway or street. The  
14 signs shall be official signs and a person shall not stop, stand,  
15 or park a vehicle in violation of the restrictions stated on the  
16 signs. The signs shall be installed only after a proper traffic  
17 order is filed with the county clerk. Upon the application to  
18 the state transportation commission by a home rule city affected  
19 by an order, opportunity shall be given to the city for a hearing  
20 before the state transportation commission, pursuant to the  
21 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
22 24.328, except when an ordinance of the home rule city prohibits  
23 or restricts the parking of vehicles on a state trunk line high-  
24 way; when the home rule city, by lawfully authorized official  
25 action, requests the state transportation department to prohibit  
26 or restrict parking on a state trunk line highway; or when the  
27 home rule city enters into a construction agreement with the

1 state transportation department providing for the prohibition or  
2 restriction of parking on a state trunk line highway during or  
3 after the period of construction. UPON APPLICATION TO THE STATE  
4 TRANSPORTATION COMMISSION BY A TOWNSHIP AFFECTED BY AN ORDER,  
5 OPPORTUNITY SHALL BE GIVEN TO THE TOWNSHIP FOR A HEARING BEFORE  
6 THE STATE TRANSPORTATION COMMISSION IN THE MANNER PRESCRIBED IN  
7 THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL  
8 24.201 TO 24.328. Traffic control orders, so long as they affect  
9 parking upon a state trunk line highway OR COUNTY ROAD within the  
10 corporate limits of a home rule city OR WITHIN THE LIMITS OF A  
11 TOWNSHIP, are considered "rules" within the meaning of the admin-  
12 istrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
13 24.328, and upon application for a hearing by a home rule city OR  
14 A TOWNSHIP, the proceedings before the state transportation com-  
15 mission shall be considered a "contested case" within the meaning  
16 of that act.

17 (5) After October 1, 1994, a disabled person may apply, on a  
18 form prescribed by the secretary of state, for a serially num-  
19 bered nontransferable temporary or permanent windshield placard  
20 for the personal use of the disabled person. An individual who  
21 has a religious objection to having a medical examination by a  
22 physician may personally apply at a branch office of the secre-  
23 tary of state for a serially numbered nontransferable temporary  
24 or permanent windshield placard for the personal use of the dis-  
25 abled individual. If it appears obvious that the individual has  
26 a qualifying disability, the individual shall not be required to  
27 present a medical statement attesting to the disability. The

1 application for and the issuance of the serially numbered  
2 nontransferable temporary or permanent windshield placard is  
3 subject to all of the following:

4 (a) The secretary of state may issue to a disabled person  
5 with a temporary disability a temporary windshield placard that  
6 is valid for a period of not more than 6 months.

7 (b) The secretary of state may issue to a disabled person  
8 with a permanent disability an original or renewal permanent  
9 windshield placard that is valid for at least 4 years.

10 (c) An original certificate of identification or permanent  
11 windshield placard shall expire on the disabled person's fifth  
12 birthday after the date of issuance.

13 (d) A renewal permanent windshield placard shall expire on  
14 the disabled person's fourth birthday after the date of renewal.

15 (e) A person holding a certificate of identification or per-  
16 manent windshield placard at any time within 45 days before the  
17 expiration of his or her certificate or placard may make applica-  
18 tion for a new or renewal placard as provided for in this  
19 section. However, if the person will be out of state during the  
20 45 days immediately preceding expiration of the certificate or  
21 placard or for other good cause shown cannot apply for a placard  
22 within the 45-day period, application for a new or renewal plac-  
23 ard may be made not more than 6 months before expiration of the  
24 certificate or placard. A placard issued or renewed under this  
25 subdivision shall expire as provided for in this subsection.

26 (f) Upon application in the manner prescribed by the  
27 secretary of state for replacement of a lost, stolen, or

1 destroyed certificate or placard described in this section, a  
2 disabled person or organization that provides specialized serv-  
3 ices to disabled persons may be issued a placard that in sub-  
4 stance duplicates the original certificate or placard for a fee  
5 of \$10.00.

6 (g) A certificate or placard described in this section may  
7 be used by a person other than the disabled person for the sole  
8 purpose of transporting the disabled person. An organization  
9 that provides specialized services to disabled persons may apply  
10 for and receive a permanent windshield placard to be used in any  
11 motor vehicle actually transporting a disabled person. If the  
12 organization ceases to transport disabled persons, the placard  
13 shall be returned to the secretary of state for cancellation and  
14 destruction.

15 (6) A disabled person with a certificate of identification,  
16 windshield placard, special registration plates issued under sec-  
17 tion 803d, a special registration plate issued under section 803f  
18 that has a tab for persons with disabilities attached, a certifi-  
19 cate of identification or windshield placard from another state,  
20 or special registration plates from another state issued for per-  
21 sons with disabilities is entitled to courtesy in the parking of  
22 a vehicle. The courtesy shall relieve the disabled person or the  
23 person transporting the disabled person from liability for a vio-  
24 lation with respect to parking, other than in violation of this  
25 act. A local authority may by ordinance prohibit parking on a  
26 street or highway to create a fire lane or to provide for the  
27 accommodation of heavy traffic during morning and afternoon rush

1 hours, and the privileges extending to veterans and physically  
2 disabled persons under this subsection do not supersede that  
3 ordinance.

4       (7) An application for an initial free parking sticker shall  
5 contain a certification by a physician licensed to practice in  
6 this state attesting to the nature and estimated duration of the  
7 applicant's disabling condition and verifying that the applicant  
8 qualifies for a free parking sticker. An individual who has a  
9 religious objection to having a medical examination by a physi-  
10 cian may personally apply at a branch office of the secretary of  
11 state for an initial free parking sticker. If it appears obvious  
12 that the individual is unable to do 1 or more of the acts listed  
13 in subdivisions (a) to (d), the individual shall not be required  
14 to present a certification by a physician attesting to the nature  
15 and estimated duration of the applicant's disabling condition or  
16 verifying that the applicant qualifies for a free parking  
17 sticker. The applicant qualifies for a free parking sticker if  
18 the applicant is a licensed driver and the physician certifies  
19 or, if an individual is not required to have a certification by a  
20 physician, it is obvious that the applicant is unable to do 1 or  
21 more of the following:

22       (a) Manage, manipulate, or insert coins, or obtain tickets  
23 or tokens in parking meters or ticket machines in parking lots or  
24 parking structures, due to the lack of fine motor control of both  
25 hands.

1 (b) Reach above his or her head to a height of 42 inches  
2 from the ground, due to a lack of finger, hand, or upper  
3 extremity strength or mobility.

4 (c) Approach a parking meter due to his or her use of a  
5 wheelchair or other device.

6 (d) Walk more than 20 feet due to an orthopedic, neurolo-  
7 gical, cardiovascular, or lung condition in which the degree of  
8 debilitation is so severe that it almost completely impedes the  
9 ability to walk.

10 (8) To be entitled to free parking in a metered space or in  
11 a publicly owned parking structure or area, a vehicle must prop-  
12 erly display 1 of the following:

13 (a) A windshield placard bearing a free parking sticker  
14 issued pursuant to this act.

15 (b) A valid certificate of identification issued before the  
16 effective date of this act.

17 (c) A valid windshield placard issued by another state.

18 (d) A certificate of identification issued by another  
19 state.

20 (e) A license plate for persons with disabilities issued by  
21 another state.

22 (f) A special registration plate with a tab for persons with  
23 disabilities attached issued by another state.

24 (9) A vehicle that does not properly display 1 of the items  
25 listed in subsection (8) is not entitled to free parking in a  
26 metered parking space or in a publicly owned parking area or

1 structure, and the disabled person or vehicle operator shall pay  
2 all parking fees and may be responsible for a civil infraction.

3 (10) Blindness that is not accompanied by an incapacity  
4 described in subsection (7) does not entitle a person to a free  
5 parking sticker.

6 (11) The secretary of state shall attach a free parking  
7 sticker, in contrasting colors, to the windshield placard of a  
8 person certified as having an incapacity described in subsection  
9 (7).

10 (12) A windshield placard issued under this section shall be  
11 displayed on the interior rearview mirror of the vehicle or, if  
12 there is no interior rearview mirror, on the lower left corner of  
13 the dashboard while the vehicle is parked or being parked by or  
14 under the direction of a disabled person pursuant to this  
15 section.

16 (13) A certificate of identification issued before February  
17 11, 1992 shall be displayed on the lower left corner of the dash-  
18 board of the parked vehicle.

19 (14) Upon conviction of an offense involving a violation of  
20 the special privileges conferred upon a holder of a certificate  
21 of identification, windshield placard, or free parking sticker, a  
22 magistrate or judge trying the case, as a part of any penalty  
23 imposed, may confiscate the serially numbered certificate of  
24 identification, windshield placard, or free parking sticker and  
25 return the confiscated item or items to the secretary of state  
26 together with a certified copy of the sentence imposed. Upon  
27 receipt of a certificate of identification, windshield placard,

1 or free parking sticker from a judge or magistrate, the secretary  
2 of state shall cancel and destroy the certificate, placard, or  
3 sticker, and the disabled person to whom it was issued shall not  
4 receive another certificate, placard, or sticker until he or she  
5 submits a completed application and presents a current medical  
6 statement attesting to his or her condition. A law enforcement  
7 officer who observes a misuse of a certificate of identification,  
8 windshield placard, or free parking sticker may immediately con-  
9 fiscate the certificate, placard, or sticker and forward it with  
10 a copy of his or her report to the secretary of state.

11 (15) A person who intentionally makes a false statement of  
12 material fact or commits or attempts to commit a deception or  
13 fraud on a medical statement attesting to a disability, submitted  
14 in support of an application for a certificate of identification,  
15 windshield placard, free parking sticker, special registration  
16 plate, or tab for persons with disabilities under this section,  
17 section 803d, or section 803f, is guilty of a misdemeanor, pun-  
18 ishable by a fine of not more than \$500.00 or imprisonment for  
19 not more than 30 days, or both.

20 (16) A person who commits or attempts to commit a deception  
21 or fraud by 1 or more of the following methods is guilty of a  
22 misdemeanor punishable by a fine of not more than \$500.00 or  
23 imprisonment for not more than 30 days, or both:

24 (a) Using a certificate of identification, windshield plac-  
25 ard, or free parking sticker issued under this section or by  
26 another state to provide transportation to a disabled person,

1 when the person is not providing transportation to a disabled  
2 person.

3 (b) Altering, modifying, or selling a certificate of identi-  
4 fication, windshield placard, or free parking sticker issued  
5 under this section or by another state.

6 (c) Copying or forging a certificate of identification,  
7 windshield placard, or free parking sticker described in this  
8 section or selling or using a certificate, placard, or sticker  
9 described in this subdivision.

10 (d) Making a false statement of material fact to obtain or  
11 assist an individual in obtaining a certificate, placard, or  
12 sticker described in this section, a special registration plate  
13 under section 803d, or a tab for persons with disabilities under  
14 section 803f.

15 (e) Knowingly using or displaying a certificate, placard, or  
16 sticker described in this section that has been canceled by the  
17 secretary of state.

18 (17) Except as otherwise provided in this section, a person  
19 who violates this section is responsible for a civil infraction.

20 (18) A certificate of identification issued before  
21 October 1, 1994 and containing an expiration date is valid for  
22 free parking in a space controlled or regulated by a meter on a  
23 public highway or in a publicly owned parking area or structure  
24 when the time for parking indicated on the meter has expired, or  
25 in a parking space clearly identified by an official sign as  
26 being reserved for use by disabled persons that is on public  
27 property or private property available for public use, until the

1 expiration date printed on the certificate. The certificate  
2 expires and shall be canceled on its expiration date.

3 ~~(19) A certificate of identification issued before the~~  
4 ~~effective date of this act that does not contain an expiration~~  
5 ~~date expires and shall be canceled on the effective date of the~~  
6 ~~amendatory act that added this subsection.~~

7 (19) ~~(20)~~ A certificate of identification shall not be  
8 issued or renewed by the secretary of state after October 1,  
9 1994.

10 (20) ~~(21)~~ The secretary of state may cancel, revoke, or  
11 suspend a windshield placard, free parking sticker, or certifi-  
12 cate of identification under any of the following circumstances:

13 (a) The secretary of state determines that a windshield  
14 placard, free parking sticker, or certificate of identification  
15 was fraudulently or erroneously issued.

16 (b) The secretary of state determines that a person has made  
17 or is making an unlawful use of his or her windshield placard,  
18 free parking sticker, or certificate of identification.

19 (c) The secretary of state determines that a check or draft  
20 used to pay the required fee is not paid on its first presenta-  
21 tion and is not paid upon reasonable notice or demand or that the  
22 required fee is paid by an invalid credit card.

23 (d) The secretary of state determines that the person is no  
24 longer eligible to receive or use a windshield placard, free  
25 parking sticker, or certificate of identification.

1 (e) The secretary of state determines that the owner has  
2 committed an offense under this act involving a windshield  
3 placard, free parking sticker, or certificate of identification.

4 (f) A person has violated this act and the secretary of  
5 state is authorized under this act to cancel, revoke, or suspend  
6 a windshield placard, free parking sticker, or certificate of  
7 identification for that violation.

8 (g) The secretary of state receives notice from another  
9 state or foreign country that a windshield placard, free parking  
10 sticker, or certificate of identification issued by the secretary  
11 of state has been surrendered by the owner or seized in con-  
12 formity with the laws of that other state or foreign country, or  
13 has been improperly used or displayed in violation of the laws of  
14 that other state or foreign country.

15 (21) ~~-(22)-~~ Before a cancellation, revocation, or suspension  
16 under subsection ~~-(21)-~~ (20), the person affected thereby shall  
17 be given notice and an opportunity to be heard.

18 (22) ~~-(23)-~~ A windshield placard issued to a disabled person  
19 shall bear the disabled person's driver's or chauffeur's license  
20 number or the number on his or her official state personal iden-  
21 tification card issued under 1972 PA 222, MCL 28.291 to 28.295.