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FORGED DISABLED PARKING PERMITS

**House Bill 4317 as enrolled
Public Act 34 of 1999
Second Analysis (6-15-99)**

**Sponsor: Rep. Paul Wojno
House Committee: Criminal Law
and Corrections
Senate Committee: Transportation
and Tourism**

THE APPARENT PROBLEM:

As of October of 1998, 524,582 drivers could park legally in blue wheel chair spaces because they have either a permanent license plate or a temporary placard permit. In 1994, responding to complaints of abuses, the legislature tightened the rules for getting these parking permits by, among other things, requiring a doctor's confirmation of temporary or permanent disability in order to receive a permit and requiring temporary permits to be renewed every six months with a new doctor's certification instead of every four years. (See *BACKGROUND INFORMATION* for more information.) In spite of the changes in the law, many complain that abuse of the permit system is an ongoing problem. Members of Paralyzed Veterans of America, through their state organizations in Michigan, Washington, and Florida, have brought the permit glut and the likely abuse of permits by undeserving people to the attention of policy makers. The veterans have interviewed disabled permit holders about the availability of disabled parking spaces, documented and videotaped permit violators, and pointed out that generic disabled parking placards are available through mail order catalogues.

Although using a fraudulent disabled parking permit is a misdemeanor for which a violator can be fined up to \$500 or 90 days in jail, or both, there is no minimum fine specified in the law. It has been reported that some district court judges assess fines of \$75 or reduce a series of fines to \$50 each. Those who believe these fines are too low argue that a fine of \$500 should be established in the law.

THE CONTENT OF THE BILL:

Under the Michigan Vehicle Code, it is a misdemeanor, punishable by a fine of up to \$500, imprisonment for up to 30 days, or both, to, among other things, copy or forge a certificate of identification, windshield placard, or free parking sticker issued for purposes of assisting a disabled person, or to sell or use such a forgery or copy. House Bill 4317 would set a minimum \$250 fine for copying or forging a certificate, placard, or sticker or for selling such a copy or forgery. The bill would take effect October 1, 1999.

MCL 257.675

BACKGROUND INFORMATION:

Disabled parking permits have been available in Michigan since the enactment of Public Act 300 of 1949. An application form for a permit must be completed by a physician on behalf of a person with a disability. Currently, the application for a permit contains a notice that Michigan law defines a person with a disability who has one or more of seven physical conditions. The conditions are listed, briefly described, and one or more must be checked by the person's physician. The form says "Michigan law defines a handicapper as a person who has one or more of the physical conditions described below," and it directs the doctor to circle one or more of the seven medical conditions listed. The conditions are described as follows:

- a. Legally blind. Corrected acuity level right eye; left eye; both eyes; visual field (in degrees).

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b. Is unable to walk more than 200 feet without having to stop and rest. (Give reason)

c. Is unable to walk without the use of a wheelchair, walker, crutch, brace, prosthetic or other device, or without the assistance of another person, due to the loss of use of one or both legs or feet.

d. Has a lung disease from which the expiratory volume for one second, when measured by spirometry is less than one liter, or from which the arterial oxygen tension is less than 60mm/hg of room air at rest.

e. Has a cardiovascular condition which measures between 3 and 4 on the New York Heart Classification Scale, or which renders the patient incapable of meeting a minimum standard for cardiovascular health established by the American Heart Association and approved by the Michigan Department of Public Health.

f. Has an arthritic, neurological, or orthopedic condition that severely limits ability to walk. (Describe)

g. Has a persistent reliance upon an oxygen source other than ordinary air.

The permits allow persons with disabilities to park in spaces that are signed and painted in blue, and located close to public buildings. The 1991 Americans with Disabilities Act (ADA) set guidelines for the number of disabled parking spaces at commercial establishments. The basic requirement for new construction starts out at four disabled spaces for the first 100 parking spaces and goes to about 20 disabled spaces per 1,000 parking spaces, according to a code consultant for the Washington, D.C.-based Building Owners and Managers Association, and as reported in *The Detroit News*. (4-3-98)

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would increase local revenues to the extent that the bill led to increased revenue from fines. (4-14-99)

ARGUMENTS:

For:

In all, 524,582 people had disabled license plates or permits in 1997--either permanent license plates or temporary placard permits. In addition to this already large number of legal permits, members of the Paralyzed Veterans of America organization report that illegal permits also are readily available through at least one ready-made mail order catalogue store operating in New York. Further, many non-disabled persons use a disabled person's car from time to time and take advantage of the permit; others copy or forge legal permits and use them or sell them to others for use. This results in fewer available spaces for those individuals who truly need them. In order to punish violators of the law who use forged or fraudulent permits, there should be a steeper minimum fine specified in the law.

Response:

There is also need for an administrative policy change, as well as this change in statute. For the past two years, two members of the Michigan Paralyzed Veterans of America organization have been studying the state laws that regulate disabled parking. They have recommended an increase in penalties, and also that local police agencies keep a record of habitual offenders. What's more, they believe too many doctors are approving certificates that allow their patients to obtain permits. The veterans completing the study report that 80 percent of the physicians who help their patients apply for a disabled permit do so by checking the condition on the application that states the applicant "is unable to walk more than 200 feet without having to stop and rest." They believe this medical condition should be re-worded to describe a particular and more clearly debilitating condition, and that penalties for physicians who abuse the permit process should be increased, so that physicians will have an easier time denying the requests of undeserving patients who ask them to complete the application form. In addition to this legislation, then, it would seem that changes on the permit application form should be made by the secretary of state's office, in order to stem abuse of the disabled permit process.

Against:

The bill could result in significant fines for innocent copying of a placard. Sometimes people may make

copies of a legitimate permit for their own seemingly legitimate use, not realizing that it is illegal to do so - for example, a copy might be made by a disabled person as a backup to keep in case the original was misplaced, to have one for a second car, to have one to bring on a trip (particularly, if the disabled person has parked his or her car in a disabled space in an airport parking lot). These activities would not seem to warrant the severe penalty that the bill would impose.

Analyst: W. Flory

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.