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PENALTIES FOR BLOCKING DISABLED PARKING

House Bill 4995 as passed by the House Second Analysis (2-4-00)

Sponsor: Rep. Laura Toy
Committee: Transportation

THE APPARENT PROBLEM:

In order for wheelchair users to exit and to enter their lift-equipped vans, it is necessary that the driver park the vehicle in a parking space designated for persons with disabilities, and that the chair user ride the lift from the van to the diagonally striped access aisle beside the parking space. Customarily these parking spaces are signed with blue signs, and the diagonal access aisle is striped with blue paint to alert drivers that they should not park in that space.

According to the director of the Commission on Disability Concerns within the Family Independence Agency, there have been reports from wheelchair users that the spaces beside parking that is designated for people with disabilities are sometimes blocked by cars, making it impossible to operate the lift on the wheelchair users' vans (see *BACKGROUND INFORMATION*, below). In fact, the Michigan Protection and Advocacy Service, which logs its calls about concerns of persons with disabilities, reports that it received nearly 300 calls about parking problems during 1999.

When the spaces are blocked wheelchair users are denied access to or egress from their vehicles, and there have been reports to the commission and testimony before the legislative committee of long waits by wheelchair users, often in inclement weather, while able-bodied violators return to their improperly parked cars. Indeed, sometimes a violator inconveniences two wheelchair users simultaneously, if that driver parks in a diagonally striped space when that space is located between two parking spaces designated for persons with disabilities. For when the access aisle is located between two of these parking spaces, it has been designed to accommodate two lift-equipped vans when one of the two vehicles backs into the space.

Because blocking a diagonal access aisle, wheelchair ramp, or curb cut are not specifically prohibited in law, the authority for law enforcement officers to ticket violators who block access aisles is unclear. Some have suggested that a law should be enacted to prohibit parking that blocks access aisles, curb cuts, or wheelchair ramps.

THE CONTENT OF THE BILL:

House Bill 4995 would amend the Michigan Vehicle Code to prohibit a vehicle from being parked in a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by people with disabilities. The bill also would prohibit a vehicle from being parked on a street, or other area open to parking, that results in the vehicle interfering with the use of a curb-cut or ramp by people with disabilities. Further, the bill would allow local police to immediately remove a vehicle from public or private property at the owner's expense, a) if the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for people with disabilities, and b) if the vehicle is interfering with the use of a ramp or a curb-cut designed for use by people with disabilities.

Under current law, a police agency (or a governmental agency designated by the police) may remove a vehicle from public or private property at the expense of the owner if the vehicle is stopped, standing, or parked in a space designated as parking for people with disabilities. Further, current law prohibits a vehicle from being parked in a parking space clearly identified by an official sign as being reserved for use by people with disabilities unless the vehicle displays a certificate of identification, windshield placard, special registration plate, or tabbed special registration plate.

House Bill 4995 (2-4-00)

The bill would take effect October 1, 2000.

MCL 257.252d and 257.674

BACKGROUND INFORMATION:

According to written committee testimony, this bill addresses but one of the problems identified by a study group that convened four years ago to assess the parking concerns of people with disabilities.

In 1996, the Michigan Commission on Disability Concerns created a subcommittee to investigate disabled parking problems. The workgroup included representatives from the Office of the Secretary of State, and also from the Michigan Paralyzed Veterans Association. The subcommittee recommended an educational program for citizens in order to inform them about parking reserved for people with disabilities, and as a result a new chapter will be added to the Drivers' Handbook issued by the secretary of state, and disability parking questions will be added to future written tests that are taken by drivers license applicants.

In addition, the subcommittee has identified the proliferation of inappropriate disability parking permits as a significant public problem. To mitigate the problem, the subcommittee has recommended there be a vigorous and ongoing effort to inventory and to reduce the high number of disability placards, permits, and plates being issued by the secretary of state at the request of Michigan physicians. Further, it has proposed an investigation of the fraudulent use of disability placards. According to the Michigan Chapter of Paralyzed Veterans of America, information provided by the Office of the Secretary of State indicates that for the five-year period between fiscal years 1994 and 1998, more than one million disability parking permits were issued, compared to only 6,000 permits in 1973 (as reported in a bill analysis dated 5-23-73). Since there are about seven million registered vehicles in the state, this report seems to indicate that one out of every seven registered vehicle owners has a disabled parking permit. The subcommittee points out that it seems likely permits are being issued inappropriately, since the eligibility criteria established under the law are rigorous. To be eligible for a permit a person must: 1) be legally blind; 2) be unable to walk more than 200 feet without stopping to rest; 3) be unable to walk without the use of a wheelchair, walker, crutch, brace, or other device; 4) suffer from a lung disease; 5) suffer from cardiovascular condition; 6) suffer from an arthritic, neurological or orthopedic condition that limits the ability to walk; or, 7) rely on an oxygen source other than ordinary air. Some

members of the subcommittee are convinced that if the criteria for receiving a disabled parking permit were followed as it was intended by those who first developed the program, at least half the people who currently have placards would not. They argue that the problem lies in the fact that disability is too vaguely defined.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the bill could result in additional local revenue associated with civil fines collected from violations for these provisions. The impact is indeterminate and contingent on the number of violations, which is unknown. (11-8-99)

ARGUMENTS:

For:

Because the authority to enforce aspects of the disabled parking laws is unclear, there have been reports that improperly parked vehicles have not been ticketed when they park in the diagonally striped access aisles that are designed to accommodate the lift-equipped vans operated by wheelchair users. When the aisles are blocked, the lifts are inoperable. Some wheelchair users report being delayed in parking lots, awaiting the return of drivers improperly parking in the access aisles. It is possible that a law to prohibit blocking an access aisle would keep the aisles clear and increase mobility for people with disabilities. And even if it did not, it would penalize those who park in violation of it, since their vehicles could be towed away at their expense.

Response:

Although this bill would help solve one problem, it addresses but a small part of the problem that disabled people have with parking. The primary reason that parking spaces are designated for people with disabilities is to allow someone with an assistive device to be able to park a vehicle and then have enough room to access that vehicle. The specially designated parking spaces do not exist as a convenience for those who are temporarily disabled, many of whom have attained the special permits. Although it is important to penalize drivers for parking on access aisles or in ways that block curb cuts or wheelchair ramps, this will do little good if people with disabilities cannot find the specially-designated spaces to begin with, due to the overwhelming number of disabled parking permits now being issued.

POSITIONS:

The Michigan Developmental Disabilities Council supports the bill. (2-4-00)

Michigan Protection & Advocacy Service, Inc. supports the bill. (2-3-00)

The Arc/Michigan (formerly Association for Retarded Citizens/Michigan) strongly supports the bill. (2-3-00)

The Michigan Commission on Disability Concerns supports the bill. (2-3-00)

United Cerebral Palsy Association of Michigan, Inc. supports the bill. (2-3-00)

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■ 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.