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House Bill 4995 (Substitute H-1 as reported without amendment)
Sponsor: Representative Laura Toy
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 3-28-00

RATIONALE

Although Michigan law contains explicit penalties for unauthorized parking in spaces reserved for disabled individuals, there currently are no provisions that prohibit drivers from blocking or parking in wheelchair access aisles or block wheelchair curb-cuts or ramps. According to many, this is a significant problem for disabled citizens whose vehicles are equipped with a ramp or lift that raises and lowers wheelchairs or motorized scooters into and out of the vehicle. Other individuals who rely on walkers or crutches also may have difficulty maneuvering between their own vehicle and one that is parked in the access aisle. Customarily, handicapper parking spaces are wider than others, and access aisles next to these spaces often are striped with blue or yellow paint to alert drivers not to park there. Evidently, however, many motorists either ignore this message or are unaware of its significance. In order to ensure that individuals with disabilities can get out of and into their vehicles, it has been suggested that the law should penalize those who block access aisles or curb-cuts.

CONTENT

The bill 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 persons with disabilities, or on a street or other area open to vehicle parking that resulted in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities. If a vehicle were located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities, or if a vehicle were interfering with the use of a ramp or a curb-cut by persons with disabilities, then a police agency or a governmental agency designated by the police could immediately remove the vehicle from public or private property to a place of safekeeping at the expense of the vehicle's registered owner.

The bill would take effect October 1, 2000.

MCL 257.252d & 257.674

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By making it illegal to park in access aisles or lanes, or to block curb-cuts or ramps, the bill would continue the progress this State has made toward ensuring the mobility and independence of individuals with disabilities. Unimpeded access lanes and curb-cuts can make the difference between getting to work on time or not, safely traveling to appointments or not, or entering commercial establishments as freely as able-bodied people do, or not. Either through insensitivity or ignorance, however, many motorists park in access aisles or in front of curb-cuts. This means that a disabled individual might be able to park in a designated handicapper space but find himself or herself unable to exit the vehicle because the chair lift is inoperable. Alternatively, someone using a scooter might park and go about his or her business, only to return to the vehicle and find that he or she cannot get back into it. This situation not only is inconvenient and frustrating, but might be life-threatening for someone who relies on a supply of oxygen that is in the vehicle or elsewhere, or who must keep a doctor's appointment.

According to testimony on behalf of the Michigan Protection and Advocacy Service, Inc. (MPAS), that office receives many calls throughout the year from individuals facing discrimination in employment, housing, and transportation. In 1999, the MPAS received roughly 270 calls dealing with parking issues, which often involved vehicles that parked in or blocked the access aisle of a handicapper parking

space. The bill would address this very real problem by allowing police officers to ticket or tow away vehicles that violated the bill. This proposal should deter violators and help disabled individuals go to work, go shopping, keep appointments, and otherwise go about their lives as other people are able to do.

Legislative Analyst: S. Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.