

SENATE BILL No. 1391

August 13, 2002, Introduced by Senators SCHWARZ, NORTH and BULLARD and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 19a and 675 (MCL 257.19a and 257.675), section 19a as amended by 1998 PA 68 and section 675 as amended by 2001 PA 18.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 19a. "Disabled person" or "person with disabilities"
2 means a person who is determined by a physician, A PHYSICIAN
3 ASSISTANT, or an optometrist as specifically provided in this
4 section licensed to practice in this state to have 1 or more of
5 the following physical characteristics:

6 (a) Blindness as determined by an optometrist, ~~or~~ a
7 physician, OR A PHYSICIAN ASSISTANT.

8 (b) Inability to walk more than 200 feet without having to
9 stop and rest.

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1 (c) Inability to do both of the following:

2 (i) Use 1 or both legs or feet.

3 (ii) Walk without the use of a wheelchair, walker, crutch,
4 brace, prosthetic, or other device, or without the assistance of
5 another person.

6 (d) A lung disease from which the person's forced expiratory
7 volume for 1 second, when measured by spirometry, is less than 1
8 liter, or from which the person's arterial oxygen tension is less
9 than 60 mm/hg of room air at rest.

10 (e) A cardiovascular condition that causes the person to
11 measure between 3 and 4 on the New York heart classification
12 scale, or that renders the person incapable of meeting a minimum
13 standard for cardiovascular health that is established by the
14 American heart association and approved by the department of
15 public health.

16 (f) An arthritic, neurological, or orthopedic condition that
17 severely limits the person's ability to walk.

18 (g) The persistent reliance upon an oxygen source other than
19 ordinary air.

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

25 (2) A local authority may by ordinance permit parking of a
26 vehicle on a 1-way roadway with the vehicle's left wheels

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1 adjacent to and within 12 inches of any curb existing at the left
2 of the vehicle.

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

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

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1 or restrict parking on a state trunk line highway; or when the
2 home rule city enters into a construction agreement with the
3 state transportation department providing for the prohibition or
4 restriction of parking on a state trunk line highway during or
5 after the period of construction. Traffic control orders, so
6 long as they affect parking upon a state trunk line highway
7 within the corporate limits of a home rule city, are considered
8 "rules" within the meaning of the administrative procedures act
9 of 1969, 1969 PA 306, MCL 24.201 to 24.328, and upon application
10 for a hearing by a home rule city, the proceedings before the
11 state transportation commission shall be considered a "contested
12 case" within the meaning of that act.

13 (5) A disabled person may apply, on a form prescribed by the
14 secretary of state, for a serially numbered nontransferable tem-
15 porary or permanent windshield placard for the personal use of
16 the disabled person. An individual who has a religious objection
17 to having a medical examination ~~by a physician~~ may personally
18 apply at a branch office of the secretary of state for a serially
19 numbered nontransferable temporary or permanent windshield plac-
20 ard for the personal use of the disabled individual. If it
21 appears obvious that the individual has a qualifying disability,
22 the individual shall not be required to present a medical state-
23 ment attesting to the disability. The application for and the
24 issuance of the serially numbered nontransferable temporary or
25 permanent windshield placard is subject to all of the following:

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

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

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

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

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

23 (f) Upon application in the manner prescribed by the secre-
24 tary of state for replacement of a lost, stolen, or destroyed
25 certificate or placard described in this section, a disabled
26 person or organization that provides specialized services to
27 disabled persons may be issued a placard that in substance

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1 duplicates the original certificate or placard for a fee of
2 \$10.00.

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

12 (6) A disabled person with a certificate of identification,
13 windshield placard, special registration plates issued under sec-
14 tion 803d, a special registration plate issued under section 803f
15 that has a tab for persons with disabilities attached, a certifi-
16 cate of identification or windshield placard from another state,
17 or special registration plates from another state issued for per-
18 sons with disabilities is entitled to courtesy in the parking of
19 a vehicle. The courtesy shall relieve the disabled person or the
20 person transporting the disabled person from liability for a vio-
21 lation with respect to parking, other than in violation of this
22 act. A local authority may by ordinance prohibit parking on a
23 street or highway to create a fire lane or to provide for the
24 accommodation of heavy traffic during morning and afternoon rush
25 hours, and the privileges extending to veterans and physically
26 disabled persons under this subsection do not supersede that
27 ordinance.

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1 (7) Except as otherwise provided in subsection (24), an
2 application for an initial free parking sticker shall contain a
3 certification by a physician OR PHYSICIAN ASSISTANT licensed to
4 practice in this state attesting to the nature and estimated
5 duration of the applicant's disabling condition and verifying
6 that the applicant qualifies for a free parking sticker. An
7 individual who has a religious objection to having a medical
8 examination ~~by a physician~~ may personally apply at a branch
9 office of the secretary of state for an initial free parking
10 sticker. If it appears obvious that the individual is unable to
11 do 1 or more of the acts listed in subdivisions (a) to (d), the
12 individual shall not be required to present a certification by a
13 physician OR A PHYSICIAN ASSISTANT attesting to the nature and
14 estimated duration of the applicant's disabling condition or ver-
15 ifying that the applicant qualifies for a free parking sticker.
16 The applicant qualifies for a free parking sticker if the appli-
17 cant is a licensed driver and the physician OR PHYSICIAN
18 ASSISTANT certifies or, if an individual is not required to have
19 a certification by a physician OR A PHYSICIAN ASSISTANT, it is
20 obvious that the applicant is unable to do 1 or more of the
21 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.

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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
16 October 1, 1994.

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

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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,

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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,

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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 a copied or forged certificate, placard, or
9 sticker described in this section. In the case of a violation of
10 this subdivision, the fine described in this subsection shall be
11 not less than \$250.00.

12 (d) Using a copied or forged certificate of identification,
13 windshield placard, or free parking sticker described in this
14 section.

15 (e) Making a false statement of material fact to obtain or
16 assist an individual in obtaining a certificate, placard, or
17 sticker described in this section, a special registration plate
18 under section 803d, or a tab for persons with disabilities under
19 section 803f.

20 (f) Knowingly using or displaying a certificate, placard, or
21 sticker described in this section that has been canceled by the
22 secretary of state.

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

25 (18) A certificate of identification issued before
26 October 1, 1994 and containing an expiration date is valid for
27 free parking in a space controlled or regulated by a meter on a

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1 public highway or in a publicly owned parking area or structure
2 when the time for parking indicated on the meter has expired, or
3 in a parking space clearly identified by an official sign as
4 being reserved for use by disabled persons that is on public
5 property or private property available for public use, until the
6 expiration date printed on the certificate. The certificate
7 expires and shall be canceled on its expiration date.

8 (19) A certificate of identification issued before
9 October 1, 1994 that does not contain an expiration date expires
10 and shall be canceled on October 1, 1994.

11 (20) A certificate of identification shall not be issued or
12 renewed by the secretary of state after October 1, 1994.

13 (21) The secretary of state may cancel, revoke, or suspend a
14 windshield placard, free parking sticker, or certificate of iden-
15 tification under any of the following circumstances:

16 (a) The secretary of state determines that a windshield
17 placard, free parking sticker, or certificate of identification
18 was fraudulently or erroneously issued.

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

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

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

4 (e) The secretary of state determines that the owner has
5 committed an offense under this act involving a windshield plac-
6 ard, free parking sticker, or certificate of identification.

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

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

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

21 (23) A windshield placard issued to a disabled person shall
22 bear the disabled person's driver's or chauffeur's license number
23 or the number on his or her official state personal identifica-
24 tion card issued under 1972 PA 222, MCL 28.291 to 28.300.

25 (24) For purposes of this section only, the secretary of
26 state may accept an application for a windshield placard, special
27 registration plate, or free parking sticker from a disabled

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1 person that is signed by a physician OR PHYSICIAN ASSISTANT
2 licensed to practice in another state if the application is
3 accompanied by a copy of that physician's OR PHYSICIAN
4 ASSISTANT'S current medical license issued by that state.