

PARKING SPACES FOR DISABLED; REVISE PENALTY

**House Bill 4333 as enrolled
Public Act 34 of 2003
Second Analysis (7-16-03)**

**Sponsor: Rep. Frank Accavitti, Jr.
House Committee: Transportation
Senate Committee: Transportation**

THE APPARENT PROBLEM:

Under Michigan law and in order to ensure public safety, a vehicle cannot be parked in 27 separate places (such as at intersections, within 50 feet of a railroad crossing, near fire hydrants, or within a highway tunnel, etc.), all of which are specified in the Vehicle Code at MCL 257.674. Among the places where parking is prohibited is "in a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless a person is disabled, or parking the vehicle for the benefit of a disabled person."

The law goes on to specify that in order to park in a designated parking space, a driver must display in his or her vehicle, a placard or license plate attesting to disability. According to committee testimony, 800,000 placards and permits are in use today. The number of these temporary placards and permanent license plates more than doubled in five years during the 1990s, according to the Department of State, despite the fact that the legislature tightened the rules for getting the parking permits in 1994. In fact, the Commission on Disability Concerns within the Family Independence Agency created a subcommittee to investigate disabled parking problems in 1999, a workgroup that included representatives from the office of the secretary of state and the Michigan Paralyzed Veterans Association. See *BACKGROUND INFORMATION* below.

Abuses of handicapper parking laws are a source of daily frustration for disabled people who work, shop, go to school, and move about freely in their communities. Although the extent of the problem is not known, the Michigan Protection and Advocacy Service, which logs its calls about concerns of persons with disabilities, reported that it received nearly 300 calls about parking problems during 1999. In response and to enhance enforcement efforts, some

communities hire volunteer parking enforcers to ticket those who park illegally in spaces designated for disabled drivers, a program the legislature originally put in place in 1989. Further, the legislature enacted Public 76 of 2000 to allow the police to remove a vehicle at the owner's expense if it blocked a diagonal access aisle, wheelchair ramp, or curb cut at the site of a space designated for use by the disabled.

Penalties for parking illegally in spaces reserved for disabled people were first put into place in Public Act 291 of 1967, and then made more stringent with an amendment adopted in Public Act 89 of 1989 that set a fine of up to \$100. Then in 1991, universities were given the authority to increase penalties for violations that occurred on college campuses.

Despite these efforts, abuse of the laws continues. In an effort to deter illegal parking in spaces reserved for disabled people, an increase in the fine has been proposed.

THE CONTENT OF THE BILL:

House Bill 4333 would amend the Michigan Vehicle Code to increase the penalty for parking illegally in a space designated for handicapped use. Currently under the law, a driver who parks his or her vehicle illegally in a handicapper space is ordered to pay costs and a civil fine of at least \$50, but no more than \$100. Under the bill, the civil fine would be at least \$100, but no more than \$250. The bill would take effect October 1, 2003.

MCL 257.907

BACKGROUND INFORMATION:

Disabled placards, permits, and licenses. The Michigan Vehicle Code [MCL 257.674(1)(s)(i)]

through (v)] specifies that in order for a driver's vehicle to be parked in a parking space reserved for disabled people, the vehicle must display one of the following:

- a certificate of identification or windshield placard issued under section 675 to a disabled person;
- a special registration plate issued under section 803d to a disabled person;
- a similar certificate of identification or windshield placard issued by another state to a disabled person;
- a similar special registration plate issued by another state to a disabled person; or
- a special registration plate to which a tab for persons with disabilities is attached issued under this act.

Michigan Commission on Disability investigation of fraudulent permits. 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 from the Michigan Paralyzed Veterans Association. The subcommittee recommended an education program for citizens in order to inform them about parking reserved for people with disabilities, and as a result a new chapter was added to the drivers' handbook issued by the secretary of state, and disability parking questions have been added to written tests that are taken by drivers' license applicants.

In addition, the subcommittee identified the proliferation of inappropriate and fraudulent disability parking permits as a significant public problem. To mitigate the problem, the subcommittee 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 proposed an investigation of the fraudulent use of disability placards.

According to the Michigan Chapter of Paralyzed Veterans of America, information provided by the secretary of state indicated 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 were about seven million registered vehicles in the state during those years, the report seemed to indicate

that one out of every seven registered vehicle owners has a disabled parking permit, or slightly more than 14 percent.

The subcommittee members pointed out that it seemed likely that permits were 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 member of the subcommittee expressed the opinion that if the criteria for receiving a disabled parking permit were followed as intended by those who first developed the program, at least half the people who currently have placard would not.

According to committee testimony in 2003, the number of permits stands at 800,000.

FISCAL IMPLICATIONS:

The House Fiscal Agency notes that the increased revenue to local governments from the bill is indeterminate. The agency's rationale assumes that nearly all parking citations are issued under local ordinance rather than state statute, and that nearly all individuals cited for parking in handicapper spaces are driving noncommercial vehicles. Given these assumptions, the revenue from this fine is earmarked for local units of government, and in particular, the local unit whose ordinance is violated, and, if that local unit does not fund a district or municipal court, then the court funding unit. The agency notes that no information is available about the number of citations issued annually. Further, the actual amount by which courts increase fines for each citation cannot be predicted. (4-29-03)

ARGUMENTS:

For:

The maximum \$100 fine for those who park in spaces designated for people with disabilities was set in 1989, more than 13 years ago. The fine is too low, and does not deter enough drivers, so reports of abuse continue. It is time to increase the maximum penalty for violators to \$250. This legislation would accomplish that end. Further, the bill as amended

would retain a judge's discretion to set the fine as low as \$100, if the circumstances warranted doing so.

Analyst: J. Hunault

■ 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.