

HOUSE BILL No. 5073

October 10, 2013, Introduced by Reps. Pettalia, Kivela, Schmidt, Glardon, Jacobsen, Heise, McCready, Lauwers, Lane, Dianda, Rutledge, Cochran and Driskell and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 675 (MCL 257.675), as amended by 2004 PA 151.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

6 (2) A local authority may by ordinance permit parking of a
7 vehicle on a 1-way roadway with the vehicle's left wheels adjacent
8 to and within 12 inches of any curb existing at the left of the
9 vehicle.

1 (3) A local authority may by ordinance permit angle parking on
2 a roadway, except that angle parking shall not be permitted on a
3 state trunk line highway **UNLESS AUTHORIZED BY THE STATE**

4 **TRANSPORTATION DEPARTMENT.**

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

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

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

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

27 (b) The secretary of state may issue to a disabled person with

1 a permanent disability an original or renewal permanent windshield
2 placard that is valid for ~~at least~~ **A PERIOD OF NOT MORE THAN 4**
3 years.

4 (c) An original ~~certificate of identification or~~ permanent
5 windshield placard ~~shall expire~~ **EXPIRES** on the disabled person's
6 fifth birthday after the date of issuance.

7 (d) A renewal permanent windshield placard ~~shall expire~~
8 **EXPIRES** on the disabled person's fourth birthday after the date of
9 renewal.

10 (e) ~~A~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, NOT**
11 **MORE THAN 45 DAYS IMMEDIATELY PRECEDING THE EXPIRATION OF HIS OR**
12 **HER CERTIFICATE OR PLACARD, A** person holding a ~~certificate of~~
13 ~~identification or~~ permanent windshield placard ~~at any time within~~
14 ~~45 days before the expiration of his or her certificate or placard~~
15 ~~may make application~~ **APPLY** for a new or renewal placard as provided
16 ~~for~~ in this section. However, if the person will be out of state
17 during the 45 days immediately preceding expiration of the
18 ~~certificate or placard or for other good cause shown cannot apply~~
19 for a placard within the 45-day period, ~~application~~ **THE PERSON MAY**
20 **APPLY** for a new or renewal placard ~~may be made~~ not more than 6
21 months before ~~expiration of the certificate or placard~~ **EXPIRES**. A
22 placard issued or renewed under this subdivision ~~shall expire~~
23 **EXPIRES** as provided ~~for~~ in this subsection.

24 (f) Upon application in the manner prescribed by the secretary
25 of state for replacement of a lost, stolen, or destroyed
26 ~~certificate or placard~~ described in this section, a disabled person
27 or organization that provides specialized services to disabled

1 persons may be issued a placard that in substance duplicates the
2 original certificate or placard for a fee of \$10.00.

3 (g) A ~~certificate or~~ placard described in this section may be
4 used by a person other than the disabled person for the sole
5 purpose of transporting the disabled person. An organization that
6 provides specialized services to disabled persons may apply for and
7 receive a permanent windshield placard to be used in any motor
8 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
14 section 803d, a special registration plate issued under section
15 803f that has a tab for persons with disabilities attached, a
16 certificate of identification or windshield placard from another
17 state, or special registration plates from another state issued for
18 persons 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
21 violation 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.

(7) Except as otherwise provided in subsection (24), an application for an initial free parking sticker shall contain a certification by a physician, physician assistant, or certified nurse practitioner licensed to practice in this state attesting to the nature and estimated duration of the applicant's disabling condition and verifying that the applicant qualifies for a free parking sticker. An individual who has a religious objection to having a medical examination may personally apply at a branch office of the secretary of state for an initial free parking sticker. If it appears obvious that the individual is unable to do 1 or more of the acts listed in subdivisions (a) to (d), the individual ~~shall not be~~ **IS NOT** required to present a certification by a physician, a physician assistant, or a certified nurse practitioner attesting to the nature and estimated duration of the applicant's disabling condition or verifying that the applicant qualifies for a free parking sticker. The applicant qualifies for a free parking sticker if the applicant is a licensed driver and the physician, physician assistant, or certified nurse practitioner certifies or, if an individual is not required to have a certification by a physician, a physician assistant, or a certified nurse practitioner, it is obvious that the applicant is unable to do 1 or more of the following:

(a) Manage, manipulate, or insert coins, or obtain tickets or tokens in parking meters or ticket machines in parking lots or parking structures, due to the lack of fine motor control of both hands.

(b) Reach above his or her head to a height of 42 inches from

1 the ground, due to a lack of finger, hand, or upper extremity
2 strength or mobility.

3 (c) Approach a parking meter due to his or her use of a
4 wheelchair or other device.

5 (d) Walk more than 20 feet due to an orthopedic, neurological,
6 cardiovascular, or lung condition in which the degree of
7 debilitation is so severe that it almost completely impedes the
8 ability to walk.

9 (8) To be entitled to free parking in a metered space or in a
10 publicly owned parking structure or area, a vehicle must properly
11 display 1 of the following:

12 (a) A windshield placard bearing a free parking sticker issued
13 ~~pursuant to~~ **UNDER** this act.

14 ~~—— (b) A valid certificate of identification issued before~~
15 ~~October 1, 1994.~~

16 **(B)** ~~(e)~~ A valid windshield placard issued by another state.

17 **(C)** ~~(d)~~ A certificate of identification issued by another
18 state.

19 **(D)** ~~(e)~~ A license plate for persons with disabilities issued
20 by another state.

21 **(E)** ~~(f)~~ A special registration plate with a tab for persons
22 with disabilities attached issued by another state.

23 (9) A vehicle that does not properly display 1 of the items
24 listed in subsection (8) is not entitled to free parking in a
25 metered parking space or in a publicly owned parking area or
26 structure, and the disabled person or vehicle operator shall pay
27 all parking fees and may be responsible for a civil infraction.

(10) Blindness that is not accompanied by an incapacity described in subsection (7) does not entitle a person to a free parking sticker.

(11) The secretary of state shall attach a free parking sticker, in contrasting colors, to the windshield placard of a person certified as having an incapacity described in subsection (7).

(12) A windshield placard issued under this section shall be displayed on the interior rearview mirror of the vehicle or, if there is no interior rearview mirror, on the lower left corner of the dashboard while the vehicle is parked or being parked by or under the direction of a disabled person pursuant to this section.

~~—— (13) A certificate of identification issued before February 11, 1992 shall be displayed on the lower left corner of the dashboard of the parked vehicle.~~

(13) ~~(14)~~ Upon conviction of an offense involving a violation of the special privileges conferred upon a holder of a ~~certificate of identification~~, windshield placard, or free parking sticker, a magistrate or judge trying the case, as a part of any penalty imposed, may confiscate the ~~serially numbered certificate of identification~~, windshield placard, or free parking sticker and return the confiscated item or items to the secretary of state together with a certified copy of the sentence imposed. Upon receipt of a ~~certificate of identification~~, windshield placard, or free parking sticker from a judge or magistrate, the secretary of state shall cancel and destroy the ~~certificate~~, placard, or sticker, and the disabled person to whom it was issued shall not

1 receive another ~~certificate~~, placard, or sticker until he or she
2 submits a completed application and presents a current medical
3 statement attesting to his or her condition. A law enforcement
4 officer who observes a misuse of a ~~certificate of identification~~,
5 windshield placard, or free parking sticker may immediately
6 confiscate the ~~certificate~~, placard, or sticker and forward it
7 with a copy of his or her report to the secretary of state.

8 (14) ~~(15)~~—A person who intentionally makes a false statement
9 of material fact or commits or attempts to commit a deception or
10 fraud on a medical statement attesting to a disability, submitted
11 in support of an application for a ~~certificate of identification~~,
12 windshield placard, free parking sticker, special registration
13 plate, or tab for persons with disabilities under this section,
14 section 803d, or section 803f, is guilty of a misdemeanor, ~~or~~
15 punishable by a fine of not more than \$500.00 or imprisonment for
16 not more than 30 days, or both.

17 (15) ~~(16)~~—A person who commits or attempts to commit a
18 deception or fraud by 1 or more of the following methods is guilty
19 of a misdemeanor punishable by a fine of not more than \$500.00 or
20 imprisonment for not more than 30 days, or both:

21 (a) Using a ~~certificate of identification~~, windshield placard
22, or free parking sticker issued under this section or by another
23 state to provide transportation to a disabled person, ~~when~~ **IF** the
24 person is not providing transportation to a disabled person.

25 (b) Altering, modifying, or selling a ~~certificate of~~
26 ~~identification~~, windshield placard, or free parking sticker issued
27 under this section or by another state.

1 (c) Copying or forging a ~~certificate of identification,~~
2 windshield placard ~~,~~ or free parking sticker described in this
3 section or selling a copied or forged ~~certificate,~~ placard ~~,~~ or
4 sticker described in this section. In the case of a violation of
5 this subdivision, the fine described in this subsection shall be
6 not less than \$250.00.

7 (d) Using a copied or forged ~~certificate of identification,~~
8 windshield placard ~~,~~ or free parking sticker described in this
9 section.

10 (e) Making a false statement of material fact to obtain or
11 assist an individual in obtaining a ~~certificate,~~ placard ~~,~~ or
12 sticker described in this section, a special registration plate
13 under section 803d, or a tab for persons with disabilities under
14 section 803f.

15 (f) Knowingly using or displaying a ~~certificate,~~ placard ~~,~~ or
16 sticker described in this section that has been canceled by the
17 secretary of state.

18 (16) ~~(17)~~ Except as otherwise provided in this section, a
19 person who violates this section is responsible for a civil
20 infraction.

21 ~~—— (18) A certificate of identification issued before October 1,~~
22 ~~1994 and containing an expiration date is valid for free parking in~~
23 ~~a space controlled or regulated by a meter on a public highway or~~
24 ~~in a publicly owned parking area or structure when the time for~~
25 ~~parking indicated on the meter has expired, or in a parking space~~
26 ~~clearly identified by an official sign as being reserved for use by~~
27 ~~disabled persons that is on public property or private property~~

1 ~~available for public use, until the expiration date printed on the~~
2 ~~certificate. The certificate expires and shall be canceled on its~~
3 ~~expiration date.~~

4 ~~—— (19) A certificate of identification issued before October 1,~~
5 ~~1994 that does not contain an expiration date expires and shall be~~
6 ~~canceled on October 1, 1994.~~

7 ~~—— (20) A certificate of identification shall not be issued or~~
8 ~~renewed by the secretary of state after October 1, 1994.~~

9 (17) ~~(21)~~ The secretary of state may cancel, revoke, or
10 suspend a windshield placard ~~, OR free parking sticker , or~~
11 ~~certificate of identification~~ under any of the following
12 circumstances:

13 (a) The secretary of state determines that a windshield
14 placard ~~, OR free parking sticker , or certificate of~~
15 ~~identification~~ was fraudulently or erroneously issued.

16 (b) The secretary of state determines that a person has made
17 or is making an unlawful use of his or her windshield placard ~~, OR~~
18 ~~free parking sticker. , or certificate of identification.~~

19 (c) The secretary of state determines that a check or draft
20 used to pay the required fee is not paid on its first presentation
21 and is not paid upon reasonable notice or demand or that the
22 required fee is paid by an invalid credit card.

23 (d) The secretary of state determines that the person is no
24 longer eligible to receive or use a windshield placard ~~, OR free~~
25 ~~parking sticker. , or certificate of identification.~~

26 (e) The secretary of state determines that the owner has
27 committed an offense under this act involving a windshield placard

1 ~~OR~~ free parking sticker. ~~or certificate of identification.~~

2 (f) A person has violated this act and the secretary of state
3 is authorized under this act to cancel, revoke, or suspend a
4 windshield placard ~~OR~~ free parking sticker ~~or certificate of~~
5 ~~identification~~ for that violation.

6 (g) The secretary of state receives notice from another state
7 or foreign country that a windshield placard ~~OR~~ free parking
8 sticker ~~or certificate of identification~~ issued by the secretary
9 of state has been surrendered by the owner or seized in conformity
10 with the laws of that other state or foreign country ~~or~~ has been
11 improperly used or displayed in violation of the laws of that other
12 state or foreign country.

13 (18) ~~(22)~~ Before a cancellation, revocation, or suspension
14 under subsection ~~(21)~~, ~~(17)~~, the person affected ~~thereby~~ **BY THAT**
15 **ACTION** shall be given notice and an opportunity to be heard.

16 (19) ~~(23)~~ A windshield placard issued to a disabled person
17 shall bear the first letter and the last 3 digits of the disabled
18 person's driver's or chauffeur's license number or the first letter
19 and the last 4 digits of the number on his or her official state
20 personal identification card issued under 1972 PA 222, MCL 28.291
21 to 28.300.

22 (20) ~~(24)~~ For purposes of this section only, the secretary of
23 state may accept an application for a windshield placard, special
24 registration plate, or free parking sticker from a disabled person
25 that is signed by a physician, physician assistant, or certified
26 nurse practitioner licensed or certified to practice in another
27 state if the application is accompanied by a copy of that

1 physician's, physician assistant's, or certified nurse
2 practitioner's current medical license or certification issued by
3 that state.

4 **(21)** ~~(25)~~—This section does not require new or additional
5 third party reimbursement or worker's compensation benefits for
6 services rendered.