

HOUSE BILL No. 5747

September 9, 2014, Introduced by Reps. Rendon, Kurtz, Lauwers, Daley, Johnson, Pettalia, Franz, Goike, VerHeulen, Jenkins, Cotter, Potvin, LaFontaine, Santana and Robinson 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 2013 PA 247.

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.

10 (3) A local authority may by ordinance permit angle parking on

1 a roadway, except that angle parking shall not be permitted on a
2 state trunk line highway unless authorized by the state
3 transportation department.

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

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

10 (5) A disabled person may apply, on a form prescribed by the
11 secretary of state, for a serially numbered nontransferable
12 temporary or permanent windshield placard for the personal use of
13 the disabled person. An individual who has a religious objection to
14 having a medical examination may personally apply at a branch
15 office of the secretary of state for a serially numbered
16 nontransferable temporary or permanent windshield placard for the
17 personal use of the disabled individual. If it appears obvious that
18 the individual has a qualifying disability, **OR IF THE INDIVIDUAL IS**
19 **A TOTALLY DISABLED VETERAN**, the individual shall not be required to
20 present a medical statement attesting to the disability. The
21 application for and the issuance of the serially numbered
22 nontransferable temporary or permanent windshield placard is
23 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, **AND SHALL ISSUE TO A TOTALLY DISABLED**
2 **VETERAN**, an original or renewal permanent windshield placard that
3 is valid for a period of not more than 4 years.

4 (c) An original or permanent windshield placard expires on the
5 disabled person's fifth birthday after the date of issuance.

6 (d) A renewal permanent windshield placard expires on the
7 disabled person's fourth birthday after the date of renewal.

8 (e) Except as otherwise provided in this subsection, not more
9 than 45 days immediately preceding the expiration of his or her
10 certificate or placard, a person holding a permanent windshield
11 placard may apply for a new or renewal placard as provided in this
12 section. However, if the person will be out of state during the 45
13 days immediately preceding expiration of the placard or for other
14 good cause shown cannot apply for a placard within the 45-day
15 period, the person may apply for a new or renewal placard not more
16 than 6 months before the placard expires. A placard issued or
17 renewed under this subdivision expires as provided in this
18 subsection.

19 (f) Upon application in the manner prescribed by the secretary
20 of state for replacement of a lost, stolen, or destroyed placard
21 described in this section, a disabled person or organization that
22 provides specialized services to disabled persons may be issued a
23 placard that in substance duplicates the original certificate or
24 placard for a fee of \$10.00.

25 (g) A placard described in this section may be used by a
26 person other than the disabled person for the sole purpose of
27 transporting the disabled person. An organization that provides

1 specialized services to disabled persons may apply for and receive
2 a permanent windshield placard to be used in any motor vehicle
3 actually transporting a disabled person. If the organization ceases
4 to transport disabled persons, the placard shall be returned to the
5 secretary of state for cancellation and destruction.

6 (6) A disabled person with a certificate of identification,
7 windshield placard, special registration plates issued under
8 section 803d, a special registration plate issued under section
9 803f that has a tab for persons with disabilities attached, a
10 certificate of identification or windshield placard from another
11 state, or special registration plates from another state issued for
12 persons with disabilities is entitled to courtesy in the parking of
13 a vehicle. The courtesy shall relieve the disabled person or the
14 person transporting the disabled person from liability for a
15 violation with respect to parking, other than in violation of this
16 act. A local authority may by ordinance prohibit parking on a
17 street or highway to create a fire lane or to provide for the
18 accommodation of heavy traffic during morning and afternoon rush
19 hours, and the privileges extending to veterans and physically
20 disabled persons under this subsection do not supersede that
21 ordinance.

22 (7) Except as otherwise provided in **THIS** subsection ~~(24)~~, **AND**
23 **SUBSECTION (20)**, an application for an initial free parking sticker
24 shall contain a certification by a physician, physician assistant,
25 or certified nurse practitioner licensed to practice in this state
26 attesting to the nature and estimated duration of the applicant's
27 disabling condition and verifying that the applicant qualifies for

1 a free parking sticker. An individual who has a religious objection
2 to having a medical examination may personally apply at a branch
3 office of the secretary of state for an initial free parking
4 sticker. If it appears obvious that the individual is unable to do
5 1 or more of the acts listed in subdivisions (a) to (d), **OR IF THE**
6 **INDIVIDUAL IS A TOTALLY DISABLED VETERAN**, the individual is not
7 required to present a certification by a physician, a physician
8 assistant, or a certified nurse practitioner attesting to the
9 nature and estimated duration of the applicant's disabling
10 condition or verifying that the applicant qualifies for a free
11 parking sticker. The applicant qualifies for a free parking sticker
12 if the applicant is a licensed driver and the physician, physician
13 assistant, or certified nurse practitioner certifies or, if an
14 individual is not required to have a certification by a physician,
15 a physician assistant, or a certified nurse practitioner, it is
16 obvious that the applicant is unable to do 1 or more of the
17 following:

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

22 (b) Reach above his or her head to a height of 42 inches from
23 the ground, due to a lack of finger, hand, or upper extremity
24 strength or mobility.

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

27 (d) Walk more than 20 feet due to an orthopedic, neurological,

1 cardiovascular, or lung condition in which the degree of
2 debilitation is so severe that it almost completely impedes the
3 ability to walk.

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

7 (a) A windshield placard bearing a free parking sticker issued
8 under this act.

9 (b) A valid windshield placard issued by another state.

10 (c) A certificate of identification issued by another state.

11 (d) A license plate for persons with disabilities issued by
12 another state.

13 (e) A special registration plate with a tab for persons with
14 disabilities attached issued by another state.

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

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

23 (11) The secretary of state shall attach a free parking
24 sticker, in contrasting colors, to the windshield placard of a
25 person certified as having an incapacity described in subsection
26 (7).

27 (12) A windshield placard issued under this section shall be

1 displayed on the interior rearview mirror of the vehicle or, if
2 there is no interior rearview mirror, on the lower left corner of
3 the dashboard while the vehicle is parked or being parked by or
4 under the direction of a disabled person ~~pursuant to~~ **UNDER** this
5 section.

6 (13) Upon conviction of an offense involving a violation of
7 the special privileges conferred upon a holder of a windshield
8 placard or free parking sticker, a magistrate or judge trying the
9 case, as a part of any penalty imposed, may confiscate the
10 windshield placard or free parking sticker and return the
11 confiscated item or items to the secretary of state together with a
12 certified copy of the sentence imposed. Upon receipt of a
13 windshield placard or free parking sticker from a judge or
14 magistrate, the secretary of state shall cancel and destroy the
15 placard or sticker, and the disabled person to whom it was issued
16 shall not receive another placard or sticker until he or she
17 submits a completed application and presents a current medical
18 statement attesting to his or her condition. A law enforcement
19 officer who observes a misuse of a windshield placard or free
20 parking sticker may immediately confiscate the placard or sticker
21 and forward it with a copy of his or her report to the secretary of
22 state.

23 (14) A person who intentionally makes a false statement of
24 material fact or commits or attempts to commit a deception or fraud
25 on a medical statement attesting to a disability, submitted in
26 support of an application for a windshield placard, free parking
27 sticker, special registration plate, or tab for persons with

1 disabilities under this section, section 803d, or section 803f, is
2 guilty of a misdemeanor punishable by a fine of not more than
3 \$500.00 or imprisonment for not more than 30 days, or both.

4 (15) A person who commits or attempts to commit a deception or
5 fraud by 1 or more of the following methods is guilty of a
6 misdemeanor punishable by a fine of not more than \$500.00 or
7 imprisonment for not more than 30 days, or both:

8 (a) Using a windshield placard or free parking sticker issued
9 under this section or by another state to provide transportation to
10 a disabled person, if the person is not providing transportation to
11 a disabled person.

12 (b) Altering, modifying, or selling a windshield placard or
13 free parking sticker issued under this section or by another state.

14 (c) Copying or forging a windshield placard or free parking
15 sticker described in this section or selling a copied or forged
16 placard or sticker described in this section. In the case of a
17 violation of this subdivision, the fine described in this
18 subsection shall be not less than \$250.00.

19 (d) Using a copied or forged windshield placard or free
20 parking sticker described in this section.

21 (e) Making a false statement of material fact to obtain or
22 assist an individual in obtaining a placard or sticker described in
23 this section, a special registration plate under section 803d, or a
24 tab for persons with disabilities under section 803f.

25 (f) Knowingly using or displaying a placard or sticker
26 described in this section that has been canceled by the secretary
27 of state.

1 (16) Except as otherwise provided in this section, a person
2 who violates this section is responsible for a civil infraction.

3 (17) The secretary of state may cancel, revoke, or suspend a
4 windshield placard or free parking sticker under any of the
5 following circumstances:

6 (a) The secretary of state determines that a windshield
7 placard or free parking sticker was fraudulently or erroneously
8 issued.

9 (b) The secretary of state determines that a person has made
10 or is making an unlawful use of his or her windshield placard or
11 free parking sticker.

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

16 (d) The secretary of state determines that the person is no
17 longer eligible to receive or use a windshield placard or free
18 parking sticker.

19 (e) The secretary of state determines that the owner has
20 committed an offense under this act involving a windshield placard
21 or free parking sticker.

22 (f) A person has violated this act and the secretary of state
23 is authorized under this act to cancel, revoke, or suspend a
24 windshield placard or free parking sticker for that violation.

25 (g) The secretary of state receives notice from another state
26 or foreign country that a windshield placard or free parking
27 sticker issued by the secretary of state has been surrendered by

1 the owner or seized in conformity with the laws of that other state
2 or foreign country or has been improperly used or displayed in
3 violation of the laws of that other state or foreign country.

4 (18) Before a cancellation, revocation, or suspension under
5 subsection (17), the person affected by that action shall be given
6 notice and an opportunity to be heard.

7 (19) A windshield placard issued to a disabled person shall
8 bear the first letter and the last 3 digits of the disabled
9 person's driver's or chauffeur's license number or the first letter
10 and the last 4 digits of the number on his or her official state
11 personal identification card issued under 1972 PA 222, MCL 28.291
12 to 28.300.

13 (20) For purposes of this section only, the secretary of state
14 may accept an application for a windshield placard, special
15 registration plate, or free parking sticker from a disabled person
16 that is signed by a physician, physician assistant, or certified
17 nurse practitioner licensed or certified to practice in another
18 state if the application is accompanied by a copy of that
19 physician's, physician assistant's, or certified nurse
20 practitioner's current medical license or certification issued by
21 that state.

22 (21) This section does not require new or additional third
23 party reimbursement or worker's compensation benefits for services
24 rendered.

25 (22) AS USED IN THIS SECTION, "TOTALLY DISABLED VETERAN" MEANS
26 AN INDIVIDUAL WHO PROVIDES PROOF THAT HE OR SHE WAS HONORABLY
27 DISCHARGED FROM THE ARMED SERVICES AND WHO SATISFIES EITHER OF THE

1 FOLLOWING:

2 (A) THE INDIVIDUAL HAS BEEN DETERMINED BY THE VETERANS'
3 ADMINISTRATION OF THE FEDERAL GOVERNMENT TO HAVE A SERVICE-
4 CONNECTED TOTAL OR PERMANENT TOTAL DISABILITY RATING FOR
5 COMPENSATION.

6 (B) THE INDIVIDUAL HAS BEEN DETERMINED TO HAVE A SERVICE-
7 CONNECTED TOTAL OR PERMANENT TOTAL DISABILITY RATING AND IS
8 RECEIVING DISABILITY RETIREMENT PAY FROM A BRANCH OF THE UNIFORMED
9 ARMED SERVICES.