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House Bill 4705 (Substitute S-1 as reported)
House Bill 4706 (Substitute S-2 as reported)
Sponsor: Representative Beau LaFave
House Committee: Health Policy
Senate Committee: Health Policy and Human Services

CONTENT

House Bill 4076 (S-2) would amend the Persons with Disabilities Civil Rights Act to do the following:

- Require the Civil Rights Commission to adopt and post on the Department of Civil Rights's website a standardized design that was a variation of the current International Symbol of Access (ISA) and depicted a dynamic character leaning forward in a wheelchair.
- Beginning one year after the bill's effective date, require each new placement or replacement of an ISA sign required by law, ordinance, or administrative rule to use the design adopted under the bill.
- Require the Commission and Department to encourage the use of the design adopted under the bill for placement or replacement of the ISA not required by law, ordinance, or administrative rule.
- Require the Commission and Department to take necessary steps to encourage the removal of the word "handicapped" from any signs or other means of communication of the State or any local government.

House Bill 4075 (S-1) would amend Public Act (PA) 62 of 1956, which governs the regulation of traffic within cities, townships, and villages, to do the following:

- Require a sign designating a parking space for individuals with disabilities that was erected on or after the bill's effective date to be 12 inches by 18 inches or larger and use the sign proposed for adoption under House Bill 4076 (S-2).
- Modify a provision of the Act to refer to the ISA, instead of the International Handicapped Symbol.

The bills are tie-barred. Each bill would take effect 90 days after its enactment.

MCL 257.951 (H.B. 4075)
Proposed MCL 37.1102a (H.B. 4076)

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The bills could have an indeterminate, negative fiscal impact on the State and local units of government.

The bills would require the use of a new, updated accessibility symbol for new signage on State and local property where required under law, rule, or ordinance, replacing the existing ISA. The bills also would require the new signage when existing signs were replaced. These

requirements would not have a direct fiscal impact on State and local units of government, since signage of the same dimension already would be required.

The new symbol identified in the bills has not been approved by the United States Access Board, which stated the following in an official guidance document in March 2017: "the ISA must be used even where a state or local code or regulation specifies a different symbol". Currently, use of the ISA is required under the ADA and the ABA. A substitute symbol for the ISA, such as the symbol identified in the bills, is permitted under the ADA if it satisfies an "equivalent facilitation" provision and under the ABA if a waiver were issued by the agencies that are required to implement ABA standards (such as the US Postal Service, for example).

For Michigan, State and local compliance with the bill's requirements would mean noncompliance with Federal regulations. Despite consideration and rejection of the new symbol by Federal agencies, the State of New York adopted the new accessibility symbol identified in the bills in 2014, and Connecticut adopted it in 2017. A cursory search of the implementation of those laws in those states did not reveal litigation costs or expenses because of noncompliance with Federal regulations.

Date Completed: 6-29-22

Fiscal Analyst: Michael Siracuse