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House Bill 4075 (Substitute S-1)
House Bill 4076 (Substitute S-2)
Sponsor: Representative Beau LaFave
House Committee: Health Policy
Senate Committee: Health Policy and Human Services

Date Completed: 6-23-22

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.

House Bill 4076 (S-2)

The bill would add Section 102a to the Persons with Disabilities Act to require the Civil Rights Commission to adopt and post on the Department's website a standardized design that was a variation of the current ISA. The design would have to comply with all of the following:

- **Depict a dynamic character leaning forward in a wheelchair with a sense of movement.**

- Provide a contrasting background with either a light symbol on a blue background or a blue symbol on a light background.
- Be substantially equivalent to the ISA.
- Be simple and avoid any secondary meaning.

Beginning one year after the bill's effective date, each new placement or replacement of an ISA sign required by law, ordinance, or administrative rule of the State or a local unit of government of the State would have to use the design adopted under Section 102a. For any placement or replacement of the ISA that was not required by law, ordinance, or administrative rule of the State or a local unit of government of the State, the Commission and the Department would have to encourage use of the design adopted under Section 102a.

The Commission and the Department would have to encourage removal of the word "handicapped" from any signs or other means of communication of the State or any local unit of government of the State. For the purpose of this provision, encouraging the use of the design adopted under the bill or the removal of the word "handicapped" would not include any form of civil, criminal, administrative, or regulatory action against any person or entity.

Any government issued item currently in use by the State or any department, agency, or office of the State, local unit of government of the State, or other entity or individual that contained the ISA could continue to be used until there was a need to replace it.

House Bill 4075 (S-1)

Under PA 62, notwithstanding the requirements of the uniform traffic code, a sign designating a parking space for persons with disabilities must be 12 inches by 18 inches or larger, be either blue or white, and at a minimum contain the International Handicapped Symbol in contrasting colors of either blue or white in the center of the sign. The bill would refer to the ISA instead of the International Handicapped Symbol.

Additionally, the bill would require a sign designating a parking space for persons with disabilities that was erected or placed on or after the bill's effective date to be 12 inches by 18 inches or larger and would have to use the design adopted under Section 102a of the Persons with Disabilities Civil Rights Act (which House Bill 5076 (S-2) would add). The sign could not include the word "handicapped" and could include a word providing instruction, such as "reserved".

MCL 257.951 (H.B. 5075)
Proposed MCL 37.1102a (H.B. 5076)

BACKGROUND

The United States Access Board provides guidance on the use of the ISA under the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). Accessibility standards issued under the ADA apply nationwide to places of accommodation, commercial facilities, and State and local government facilities. The ADA standards require the use of the ISA to label or provide direction to certain accessible spaces, such as parking spaces, toilet and bathing facilities, and check-out aisles.

The original ISA was designed by Susanne Koefoed through a design competition sponsored by Rehabilitation International. The current version is shown in [Figure 1](#). The International Organization for Standardization, an independent, nongovernmental organization that represents over 160 national standard-setting entities that develops voluntary, consensus-based, international standards, adopted the symbol in 1969.

Figure 1



Figure 2



In 2014, New York adopted a "Dynamic Accessibility Symbol" and Connecticut adopted a similar symbol in 2016. The Dynamic Accessibility Symbol, shown in Figure 2, depicts a forward-leaning body that suggests that the individual is in motion.

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.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.