

Act No. 432
Public Acts of 1994
Approved by the Governor
January 5, 1995
Filed with the Secretary of State
January 6, 1995

STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994

Introduced by Senator Carl

ENROLLED SENATE BILL No. 1221

AN ACT to amend sections 19a and 675 of Act No 300 of the Public Acts of 1949 entitled as amended An act to provide for the registration titling sale transfer and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles to provide for the licensing of dealers to provide for the examination licensing and control of operators and chauffeurs to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles to provide for the imposition levy and collection of specific taxes on vehicles and the levy and collection of sales and use taxes license fees and permit fees to provide for the regulation and use of streets and highways to create certain funds to provide penalties and sanctions for a violation of this act to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents to provide for the levy of certain assessments to provide for the enforcement of this act to provide for the creation of and to prescribe the powers and duties of certain state and local agencies to repeal all other acts or parts of acts inconsistent with this act or contrary to this act and to repeal certain parts of this act on a specific date as amended by Act No 104 of the Public Acts of 1994 being sections 257 19a and 257 675 of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Sections 19a and 675 of Act No 300 of the Public Acts of 1949 as amended by Act No 104 of the Public Acts of 1994 being sections 257 19a and 257 675 of the Michigan Compiled Laws are amended to read as follows

Sec 19a Handicapper means a person who is determined by a physician licensed to practice in this state to have 1 or more of the following physical characteristics

- (a) Blindness
- (b) Inability to walk more than 200 feet without having to stop and rest
- (c) Inability to do both of the following
 - (1) Use 1 or both legs or feet
 - (2) Walk without the use of a wheelchair walker crutch brace prosthetic or other device or without the assistance of another person
- (d) A lung disease from which the person's forced expiratory volume for 1 second when measured by spirometry is less than 1 liter or from which the person's arterial oxygen tension is less than 60 mm/hg of room air at rest
- (e) A cardiovascular condition that causes the person to measure between 3 and 4 on the New York heart classification scale or that renders the person incapable of meeting a minimum standard for cardiovascular health that is established by the American heart association and approved by the department of public health
- (f) An arthritic neurological or orthopedic condition that severely limits the person's ability to walk
- (g) The persistent reliance upon an oxygen source other than ordinary air

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

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

(3) A local authority may by ordinance permit angle parking on a roadway except that angle parking shall not be permitted on a state trunk line highway

(4) The state transportation commission with respect to state trunk line highways and the board of county road commissioners with respect to county roads acting jointly with the director of the department of state police may place signs prohibiting or restricting the stopping standing or parking of vehicles on a highway where in the opinion of the officials as determined by an engineering survey the stopping standing or parking is dangerous to those using the highway or where the stopping standing or parking of vehicles would unduly interfere with the free movement of traffic on the highway or street The signs shall be official signs and a person shall not stop stand or park a vehicle in violation of the restrictions stated on the signs The signs shall be installed only after a proper traffic order is filed with the county clerk Upon the application to the state transportation commission by a home rule city affected by an order opportunity shall be given to the city for a hearing before the state transportation commission pursuant to the administrative procedures act of 1969 Act No 306 of the Public Acts of 1969 being sections 24 201 to 24 328 of the Michigan Compiled Laws except when an ordinance of the home rule city prohibits or restricts the parking of vehicles on a state trunk line highway when the home rule city by lawfully authorized official action requests the state transportation department to prohibit or restrict parking on a state trunk line highway or when the home rule city enters into a construction agreement with the state transportation department providing for the prohibition or restriction of parking on a state trunk line highway during or after the period of construction Traffic control orders so long as they affect parking upon a state trunk line highway within the corporate limits of a home rule city are considered rules within the meaning of Act No 306 of the Public Acts of 1969 and upon application for a hearing by a home rule city the proceedings before the state transportation commission shall be considered a contested case within the meaning of that act

(5) After October 1 1994 a handicapper may apply on a form prescribed by the secretary of state for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the handicapper An individual who has a religious objection to having a medical examination by a physician may personally apply at a branch office of the secretary of state for a serially numbered nontransferable temporary or permanent windshield placard for the personal use of the handicapped individual If it appears obvious that the individual has a qualifying handicap the individual shall not be required to present a medical statement attesting to the handicap The application for and the issuance of the serially numbered nontransferable temporary or permanent windshield placard is subject to all of the following

(a) The secretary of state may issue to a handicapper with a temporary handicap a temporary windshield placard that is valid for a period of not more than 6 months

(b) The secretary of state may issue to a handicapper with a permanent handicap an original or renewal permanent windshield placard that is valid for at least 4 years

(c) An original certificate of identification or permanent windshield placard shall expire on the handicapper's fifth birthday after the date of issuance

(d) A renewal permanent windshield placard shall expire on the handicapper's fourth birthday after the date of renewal

(e) A person holding a certificate of identification or permanent windshield placard at any time within 45 days before the expiration of his or her certificate or placard may make application for a new or renewal placard as provided for in this section However if the person will be out of state during the 45 days immediately preceding expiration of the certificate or placard or for other good cause shown cannot apply for a placard within the 45 day period application for a new or renewal placard may be made not more than 6 months before expiration of the certificate or placard A placard issued or renewed under this subdivision shall expire as provided for in this subsection

(f) Upon application in the manner prescribed by the secretary of state for replacement of a lost stolen or destroyed certificate or placard described in this section a handicapper or organization that provides specialized services to handicappers may be issued a placard that in substance duplicates the original certificate or placard for a fee of \$10 00

(g) A certificate or placard described in this section may be used by a person other than the handicapper for the sole purpose of transporting the handicapper An organization that provides specialized services to handicappers may apply for and receive a permanent windshield placard to be used in any motor vehicle actually transporting a handicapper If the organization ceases to transport handicappers the placard shall be returned to the secretary of state for cancellation and destruction

(6) A handicapper with a certificate of identification windshield placard special registration plates issued under section 803d a special registration plate issued under section 803f that has a handicapper tab attached a certificate of

identification or windshield placard from another state or special handicapper registration plates from another state is entitled to courtesy in the parking of a vehicle. The courtesy shall relieve the handicapper or the person transporting the handicapper from liability for a violation with respect to parking other than in violation of this act. A local authority may by ordinance prohibit parking on a street or highway to create a fire lane or to provide for the accommodation of heavy traffic during morning and afternoon rush hours and the privileges extending to veterans and physically handicapped persons under this subsection do not supersede that ordinance.

(7) An application for an initial free parking sticker shall contain a certification by a physician licensed to practice in this state attesting to the nature and estimated duration of the applicant's handicap condition and verifying that the applicant qualifies for a free parking sticker. An individual who has a religious objection to having a medical examination by a physician 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 required to present a certification by a physician attesting to the nature and estimated duration of the applicant's handicap 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 certifies or if an individual is not required to have a certification by a physician 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 the ground due to a lack of finger, hand, or upper extremity strength or mobility.

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

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

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

(a) A windshield placard bearing a free parking sticker issued pursuant to this act.

(b) A valid certificate of identification issued before the effective date of this act.

(c) A valid windshield placard issued by another state.

(d) A certificate of identification issued by another state.

(e) A handicapper license plate issued by another state.

(f) A special registration plate with a handicapper tab attached issued by another state.

(9) A vehicle that does not properly display 1 of the items listed in subsection (8) is not entitled to free parking in a metered parking space or in a publicly owned parking area or structure, and the handicapper or vehicle operator shall pay 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 handicapper 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.

(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 handicapper to whom it was issued shall not receive another certificate, placard, or sticker until he or she submits a completed application and presents a current medical statement attesting to his or her condition. A law enforcement officer who observes a misuse of a certificate of identification, windshield placard, or free parking sticker may immediately confiscate the certificate, placard, or sticker and forward it with a copy of his or her report to the secretary of state.

(15) A person who intentionally makes a false statement of material fact or commits or attempts to commit a deception or fraud on a medical statement attesting to a handicap submitted in support of an application for a certificate of identification, windshield placard, free parking sticker, special registration plate, or handicapper tab under this

section 803d or section 803f is guilty of a misdemeanor punishable by a fine of not more than \$500 00 or imprisonment for not more than 30 days or both

(16) A person who commits or attempts to commit a deception or fraud by 1 or more of the following methods is guilty of a misdemeanor punishable by a fine of not more than \$500 00 or imprisonment for not more than 30 days or both

(a) Using a certificate of identification windshield placard or free parking sticker issued under this section or by another state to provide transportation to a handicapper when the person is not providing transportation to a handicapper

(b) Altering modifying or selling a certificate of identification windshield placard or free parking sticker issued under this section or by another state

(c) Copying or forging a certificate of identification windshield placard or free parking sticker described in this section or selling or using a certificate placard or sticker described in this subdivision

(d) Making a false statement of material fact to obtain or assist an individual in obtaining a certificate placard or sticker described in this section a special registration plate under section 803d or a handicapper tab under section 803f

(e) Knowingly using or displaying a certificate placard or sticker described in this section that has been canceled by the secretary of state

(17) Except as otherwise provided in this section a person who violates this section is responsible for a civil infraction

(18) A certificate of identification issued before October 1 1994 and containing an expiration date is valid for free parking in a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure when the time for parking indicated on the meter has expired or in a parking space clearly identified by an official sign as being reserved for use by handicappers that is on public property or private property available for public use until the expiration date printed on the certificate The certificate expires and shall be canceled on its expiration date

(19) A certificate of identification issued before the effective date of this act that does not contain an expiration date expires and shall be canceled on the effective date of the amendatory act that added this subsection

(20) A certificate of identification shall not be issued or renewed by the secretary of state after October 1 1994

(21) The secretary of state may cancel revoke or suspend a windshield placard free parking sticker or certificate of identification under any of the following circumstances

(a) The secretary of state determines that a windshield placard free parking sticker or certificate of identification was fraudulently or erroneously issued

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

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

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

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

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

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

(22) Before a cancellation revocation or suspension under subsection (21) the person affected thereby shall be given notice and an opportunity to be heard

(23) A windshield placard issued to a handicapper shall bear the handicapper s driver s or chauffeur s license number or the number on his or her official state personal identification card issued under Act No 222 of the Public Acts of 1972 being sections 28 291 to 28 295 of the Michigan Compiled Laws

Section 2 This amendatory act shall take effect October 1 1994

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor