

DISABLED PERSON: ALLOW PHYSICAL THERAPIST TO MAKE DETERMINATIONS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

Senate Bill 582 as passed by the Senate
Sponsor: Sen. Marty Knollenberg
House Committee: Transportation and Infrastructure
Senate Committee: Transportation
Complete to 1-15-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 582 would amend the Michigan Vehicle Code to authorize physical therapists to determine that an individual is disabled for purposes of obtaining a temporary or permanent windshield placard, a free parking sticker, or a special registration plate or tab.

Section 19a of the Vehicle Code currently defines “disabled person” and “person with disabilities” to mean an individual who is determined by a physician, a physician assistant, or an optometrist as specifically provided in that section to have 1 or more of the following:

- Blindness as determined by an optometrist, a physician, or a physician assistant.
- The inability to walk more than 200 feet without having to stop and rest.
- Both the inability to use 1 or both legs or feet and the inability to walk without the assistance of another person or the use of a wheelchair, walker, crutch, brace, prosthetic, or other device.
- 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.
- 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 Health and Human Services.
- An arthritic, neurological, or orthopedic condition that severely limits the person’s ability to walk.
- The persistent reliance upon an oxygen source other than ordinary air.

Senate Bill 582 would amend Sections 675, 803d, and 803h of the Vehicle Code to insert in those sections the above definition of “disabled person” (but not also “person with disabilities”). The bill would then authorize physical therapists to make the above determinations of disability in those sections—namely, for purposes of obtaining a temporary or permanent windshield placard for persons with disabilities, a special license plate for persons with disabilities, or a tab for persons with disabilities to use with a regular license plate. With regard to window placards (Section 675), this authority would extend to physical therapists licensed or certified to practice in another state.

[NOTE: Because the definition of “disabled person” in Section 19a currently applies to the entire Vehicle Code, and the definition in that section would not be amended in the same way that the same definition is in the three sections amended by the bill, there is potential, should the bill be enacted, for ambiguity and conflict when the terms “disabled person” and “person

with disabilities” are used elsewhere in the Vehicle Code. Those terms would in some places allow for a physical therapist’s determination, and in other places might not. (See, particularly, Sections 674, 675d, and 803f.) These conflicts are lessened somewhat by the requirement in many sections of the Vehicle Code that a disabled person be subject to the “same proof” of disability as is required by Section 675—one of the sections this bill would amend to authorize physical therapists to make disability determinations.]

Under current law, to be eligible to obtain a free parking sticker, an individual must either be obviously unable to do any of the following, or must have a physician, physician assistant, or certified nurse practitioner certify that he or she is unable to do any of the following:

- Handle coins or parking machine tickets or tokens due to a lack of fine motor control in both hands.
- Reach up to a height of 42 inches from the ground due to a lack of strength or mobility.
- Approach a parking meter due to use of a wheelchair or other mobility device.
- Walk farther than 20 feet due to a debilitating orthopedic, neurological, cardiovascular, or pulmonary condition.

Senate Bill 582 would add physical therapists to the medical professionals who are authorized to certify as to the nature and estimated duration of the above disabling conditions that would allow an individual to receive a free parking sticker. This authority would extend to physical therapists licensed or certified to practice in another state.

The bill would take effect 90 days after it is enacted into law.

MCL 257.675, 257.803d, and 257.803h

FISCAL IMPACT:

Senate Bill 582 would result in potential minimal decreases in revenue to the Michigan Transportation Fund (MTF) and local units of government. Revenue decreases would depend on whether, and the extent to which, allowing physical therapists to qualify persons for a disabled status leads to an increase in the number of qualified disabled drivers who would not have otherwise sought and received the qualified status from other medical professionals, and who take advantage of certain benefits. A decrease in revenue to the MTF and local units would result if 1 of these qualified persons:

- Registers his or her van at the 50% registration tax rate in accordance with Section 801(1)(a) of the Vehicle Code,
- Is further qualified for a free public parking placard and would have otherwise paid for parking.

Funds from the MTF are distributed to various agencies and local governments for road maintenance and infrastructure costs.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Michael Clossen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.