



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 582 (as passed by the Senate)  
Sponsor: Senator Marty Knollenberg  
Committee: Transportation

Date Completed: 12-18-17

### **RATIONALE**

Under the Michigan Vehicle Code, a person with a disability is entitled to certain parking privileges, including parking in a space designated for individuals with disabilities and, if the person meets particular criteria, free parking in a metered space or public parking garage. In order to receive these privileges, a person must obtain a certificate of identification, a permanent or temporary windshield placard, a special registration plate or tab with the international wheelchair symbol, or a similar item from another state. The Code allows a physician, physician assistant, and certified nurse practitioner to certify or determine a person's disabling condition for the purpose of receiving placards, free parking stickers, plates, and tabs. Some believe that physical therapists also have enough training and experience to certify or determine a disabling condition, and should be authorized to perform this duty.

### **CONTENT**

**The bill would amend the Michigan Vehicle Code to allow a physical therapist, in addition to a physician, physician assistant, and certified nurse practitioner, to certify or determine a person's disabling condition for the purpose of receiving free parking stickers, plates, and tabs, and include specific conditions or disabilities in a definition of "disabled person" for that purpose.**

The bill would take effect 90 days after it was enacted.

#### Physical Therapist Certification

Under Section 675 of the Michigan Vehicle Code, a disabled person is entitled to courtesy in the parking of a vehicle if he or she has a certificate of identification, windshield placard, special registration plates issued under Section 803d (described below), a special registration plate issued under Section 803f (described below) that has a tab for people with disabilities attached, a certificate of identification or windshield placard from another state, or special registration plates from another state issued for people with disabilities. The courtesy relieves the disabled person or a person transporting the disabled person from liability for a violation with respect to parking, other than in violation of the Code, subject to certain exceptions.

Except as otherwise provided, an application for an initial free parking sticker must contain certification by a physician, physician assistant, or certified nurse practitioner licensed to practice in Michigan attesting to the nature and estimated duration of the applicant's disabling condition and verifying that the applicant qualifies for a free parking sticker.

If it appears obvious that an individual is unable to do one or more of the acts listed below, the individual is not required to present a certification by a physician, a physician assistant, or a certified nurse practitioner attesting to the nature and estimated duration of the applicant's disabling condition or verifying that he or she qualifies for a free parking sticker.

An applicant qualifies for a free parking sticker if he or she is a licensed driver and a physician, physician assistant, or certified nurse practitioner certifies or, if an individual is not required to have a certification, it is obvious that the applicant is unable to do one or more of the following:

- 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.
- 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.
- Approach a parking meter due to his or her use of a wheelchair or other device.
- 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.

For the purposes of these provisions, the Secretary of State may accept an application for a windshield placard, special registration plate, or free parking sticker from a disabled person that is signed by a physician, physician assistant, or certified nurse practitioner licensed or certified to practice in another state if the application is accompanied by a copy of that person's current medical license or certification issued by that state.

In addition to a physician, physician assistant, and certified nurse practitioner, the bill would include a physical therapist in these provisions.

#### "Disabled Person" Definition

Section 803d of the Code allows a disabled person to apply to the Secretary of State and allows the Secretary of State to issue special registration plates inscribed with the official international wheelchair symbol or a reasonable facsimile of that symbol and special identification numbers. Certain vehicles registered under the Code may be issued special registration plates. A vehicle that is used to transport disabled people may qualify for these plates when the registered owner of the vehicle resides at the same address as the disabled person, submits with his or her application a statement that the vehicle is used for that purpose, and provides the Secretary of State with a medical statement attesting to the fact that the person being transported is a disabled person.

Under Section 803h of the Code, the Secretary of State may issue a tab for people with disabilities to a disabled person who is or has been issued a Michigan motor vehicle registration plate other than a Section 803d registration plate for people with disabilities. The tab must display the international wheelchair symbol or a reasonable facsimile of it.

The bill would define "disabled person" as used in Sections 675, 803d, and 803h as a person who is determined by a physician, a physician assistant, a physical therapist, or an optometrist licensed to practice in the State to have one or more of the following characteristics:

- Blindness as determined by an optometrist, a physician, or a physician assistant.
- Inability to walk more than 200 feet without having to stop and rest.
- Inability to use one or both legs or feet, and to walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, or without the assistance of another person.
- A lung disease from which the person's forced expiratory volume for one second, when measured by spirometry, is less than one 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 three and four 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.

MCL 257.675 et al.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

According to Committee testimony, a Doctor of Physical Therapy degree requires four years of undergraduate study, three or four years of graduate education, and at least 36 weeks of clinical internships. This education, training, and experience working with physically limited people qualifies physical therapists for the task of certifying or determining a disabling condition. Moreover, one of the basic principles of physical therapists' education and training is the identification of mobility problems to formulate effective solutions. By adding over 10,000 physical therapists licensed in the State to the health professionals who may certify or determine a person's disabling condition for the purposes of receiving parking courtesies, the bill would increase certification access for people with qualified disabilities, and allow more people to retain mobility within their community.

Legislative Analyst: Drew Krogulecki

## **FISCAL IMPACT**

The bill would not have a fiscal impact on State revenue.

The bill could create a loss in revenue for local units of government. The loss estimate is indeterminate and dependent on the number of placards that were issued for disabled people or those transporting a disabled person who received the required documentation from a physical therapist. Depending on local ordinances, a local unit of government could lose parking revenue due to the issuance of a placard for a disability that allows the holder of the placard to park for free.

Fiscal Analyst: Joe Carrasco

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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.