

HOUSE BILL No. 5533

February 11, 2004, Introduced by Reps. Ruth Johnson, Adamini, Stahl, Vander Veen, Rocca, Pappageorge, Milosch, Whitmer, Sak, Amos and Kooiman and referred to the Committee on Tax Policy.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 675 (MCL 257.675), as amended by 2002
PA 618.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

10 (3) A local authority may by ordinance permit angle parking

1 on a roadway, except that angle parking shall not be permitted on
2 a state trunk line highway.

3 (4) The state transportation commission with respect to state
4 trunk line highways and the board of county road commissioners
5 with respect to county roads, acting jointly with the director of
6 the department of state police, may place signs prohibiting or
7 restricting the stopping, standing, or parking of vehicles on a
8 highway where in the opinion of the officials as determined by an
9 engineering survey, the stopping, standing, or parking is
10 dangerous to those using the highway or where the stopping,
11 standing, or parking of vehicles would unduly interfere with the
12 free movement of traffic on the highway or street. The signs
13 shall be official signs and a person shall not stop, stand, or
14 park a vehicle in violation of the restrictions stated on the
15 signs. The signs shall be installed only after a proper traffic
16 order is filed with the county clerk. Upon the application to
17 the state transportation commission by a home rule city affected
18 by an order, opportunity shall be given to the city for a hearing
19 before the state transportation commission, pursuant to the
20 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
21 24.328, except when an ordinance of the home rule city prohibits
22 or restricts the parking of vehicles on a state trunk line
23 highway; when the home rule city, by lawfully authorized official
24 action, requests the state transportation department to prohibit
25 or restrict parking on a state trunk line highway; or when the
26 home rule city enters into a construction agreement with the
27 state transportation department providing for the prohibition or

1 restriction of parking on a state trunk line highway during or
2 after the period of construction. Traffic control orders, so
3 long as they affect parking upon a state trunk line highway
4 within the corporate limits of a home rule city, are considered
5 "rules" within the meaning of the administrative procedures act
6 of 1969, 1969 PA 306, MCL 24.201 to 24.328, and upon application
7 for a hearing by a home rule city, the proceedings before the
8 state transportation commission shall be considered a "contested
9 case" within the meaning of that act.

10 (5) A disabled person may apply, on a form prescribed by the
11 secretary of state, for a serially numbered nontransferable
12 temporary or permanent windshield placard for the personal use of
13 the disabled person. An individual who has a religious objection
14 to having a medical examination may personally apply at a branch
15 office of the secretary of state for a serially numbered
16 nontransferable temporary or permanent windshield placard for the
17 personal use of the disabled individual. If it appears obvious
18 that the individual has a qualifying disability, the individual
19 shall not be required to present a medical statement attesting to
20 the disability. The application for and the issuance of the
21 serially numbered nontransferable temporary or permanent
22 windshield placard is subject to all of the following:

23 (a) The secretary of state may issue to a disabled person
24 with a temporary disability a temporary windshield placard that
25 is valid for a period of not more than 6 months.

26 (b) The secretary of state may issue to a disabled person
27 with a permanent disability an original or renewal permanent

1 windshield placard that is valid for at least 4 years.

2 (c) An original certificate of identification or permanent
3 windshield placard shall expire on the disabled person's fifth
4 birthday after the date of issuance.

5 (d) A renewal permanent windshield placard shall expire on
6 the disabled person's fourth birthday after the date of renewal.

7 (e) A person holding a certificate of identification or
8 permanent windshield placard at any time within 45 days before
9 the expiration of his or her certificate or placard may make
10 application for a new or renewal placard as provided for in this
11 section. However, if the person will be out of state during the
12 45 days immediately preceding expiration of the certificate or
13 placard or for other good cause shown cannot apply for a placard
14 within the 45-day period, application for a new or renewal
15 placard may be made not more than 6 months before expiration of
16 the certificate or placard. A placard issued or renewed under
17 this subdivision shall expire as provided for in this
18 subsection.

19 (f) Upon application in the manner prescribed by the
20 secretary of state for replacement of a lost, stolen, or
21 destroyed certificate or placard described in this section, a
22 disabled person or organization that provides specialized
23 services to disabled persons may be issued a placard that in
24 substance duplicates the original certificate or placard for a
25 fee of \$10.00.

26 (g) A certificate or placard described in this section may be
27 used by a person other than the disabled person for the sole

1 purpose of transporting the disabled person. An organization
2 that provides specialized services to disabled persons may apply
3 for and receive a permanent windshield placard to be used in any
4 motor vehicle actually transporting a disabled person. If the
5 organization ceases to transport disabled persons, the placard
6 shall be returned to the secretary of state for cancellation and
7 destruction.

8 (6) A disabled person with a certificate of identification,
9 windshield placard, special registration plates issued under
10 section 803d, a special registration plate issued under section
11 803f that has a tab for persons with disabilities attached, a
12 certificate of identification or windshield placard from another
13 state, or special registration plates from another state issued
14 for persons with disabilities is entitled to courtesy in the
15 parking of a vehicle. The courtesy shall relieve the disabled
16 person or the person transporting the disabled person from
17 liability for a violation with respect to parking, other than in
18 violation of this act. A local authority may by ordinance
19 prohibit parking on a street or highway to create a fire lane or
20 to provide for the accommodation of heavy traffic during morning
21 and afternoon rush hours, and the privileges extending to
22 veterans and physically disabled persons under this subsection do
23 not supersede that ordinance.

24 (7) Except as otherwise provided in subsection (24), an
25 application for an initial free parking sticker shall contain a
26 certification by a physician or physician assistant licensed to
27 practice in this state attesting to the nature and estimated

1 duration of the applicant's disabling condition and verifying
2 that the applicant qualifies for a free parking sticker. An
3 individual who has a religious objection to having a medical
4 examination may personally apply at a branch office of the
5 secretary of state for an initial free parking sticker. If it
6 appears obvious that the individual is unable to do 1 or more of
7 the acts listed in subdivisions (a) to (d), the individual shall
8 not be required to present a certification by a physician or a
9 physician assistant attesting to the nature and estimated
10 duration of the applicant's disabling condition or verifying that
11 the applicant qualifies for a free parking sticker. The
12 applicant qualifies for a free parking sticker if the applicant
13 is a licensed driver and the physician or physician assistant
14 certifies or, if an individual is not required to have a
15 certification by a physician or a physician assistant, it is
16 obvious that the applicant is unable to do 1 or more of the
17 following:

18 (a) Manage, manipulate, or insert coins, or obtain tickets or
19 tokens in parking meters or ticket machines in parking lots or
20 parking structures, due to the lack of fine motor control of both
21 hands.

22 (b) Reach above his or her head to a height of 42 inches from
23 the ground, due to a lack of finger, hand, or upper extremity
24 strength or mobility.

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

27 (d) Walk more than 20 feet due to an orthopedic,

1 neurological, cardiovascular, or lung condition in which the
2 degree of debilitation is so severe that it almost completely
3 impedes the ability to walk.

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

7 (a) A windshield placard bearing a free parking sticker
8 issued ~~pursuant to~~ **under** this act.

9 (b) A valid certificate of identification issued before
10 October 1, 1994.

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

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

13 (e) A license plate for persons with disabilities issued by
14 another state.

15 (f) A special registration plate with a tab for persons with
16 disabilities attached issued by another state.

17 (9) A vehicle that does not properly display 1 of the items
18 listed in subsection (8) is not entitled to free parking in a
19 metered parking space or in a publicly owned parking area or
20 structure, and the disabled person or vehicle operator shall pay
21 all parking fees and may be responsible for a civil infraction.

22 (10) Blindness that is not accompanied by an incapacity
23 described in subsection (7) does not entitle a person to a free
24 parking sticker.

25 (11) The secretary of state shall attach a free parking
26 sticker, in contrasting colors, to the windshield placard of a
27 person certified as having an incapacity described in subsection

1 (7).

2 (12) A windshield placard issued under this section shall be
3 displayed on the interior rearview mirror of the vehicle or, if
4 there is no interior rearview mirror, on the lower left corner of
5 the dashboard while the vehicle is parked or being parked by or
6 under the direction of a disabled person pursuant to this
7 section.

8 (13) A certificate of identification issued before February
9 11, 1992 shall be displayed on the lower left corner of the
10 dashboard of the parked vehicle.

11 (14) Upon conviction of an offense involving a violation of
12 the special privileges conferred upon a holder of a certificate
13 of identification, windshield placard, or free parking sticker, a
14 magistrate or judge trying the case, as a part of any penalty
15 imposed, may confiscate the serially numbered certificate of
16 identification, windshield placard, or free parking sticker and
17 return the confiscated item or items to the secretary of state
18 together with a certified copy of the sentence imposed. Upon
19 receipt of a certificate of identification, windshield placard,
20 or free parking sticker from a judge or magistrate, the secretary
21 of state shall cancel and destroy the certificate, placard, or
22 sticker, and the disabled person to whom it was issued shall not
23 receive another certificate, placard, or sticker until he or she
24 submits a completed application and presents a current medical
25 statement attesting to his or her condition. A law enforcement
26 officer who observes a misuse of a certificate of identification,
27 windshield placard, or free parking sticker may immediately

1 confiscate the certificate, placard, or sticker and forward it
2 with a copy of his or her report to the secretary of state.

3 (15) A person who intentionally makes a false statement of
4 material fact or commits or attempts to commit a deception or
5 fraud on a medical statement attesting to a disability, submitted
6 in support of an application for a certificate of identification,
7 windshield placard, free parking sticker, special registration
8 plate, or tab for persons with disabilities under this section,
9 section 803d, or section 803f, is guilty of a misdemeanor,
10 punishable by a fine of not more than \$500.00 or imprisonment for
11 not more than 30 days, or both.

12 (16) ~~A~~ **Subject to subdivision (c),** a person who commits or
13 attempts to commit a deception or fraud by 1 or more of the
14 following methods is guilty of a misdemeanor punishable by a fine
15 of not more than \$500.00 or imprisonment for not more than 30
16 days, or both:

17 (a) Using a certificate of identification, windshield
18 placard, or free parking sticker issued under this section or by
19 another state to provide transportation to a disabled person,
20 when the person is not providing transportation to a disabled
21 person.

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

25 (c) Copying or forging a certificate of identification,
26 windshield placard, or free parking sticker described in this
27 section or selling a copied or forged certificate, placard, or

1 sticker described in this section. In the case of a violation of
2 this subdivision, the fine described in this subsection shall be
3 not less than \$250.00.

4 (d) Using a copied or forged certificate of identification,
5 windshield placard, or free parking sticker described in this
6 section.

7 (e) Making a false statement of material fact to obtain or
8 assist an individual in obtaining a certificate, placard, or
9 sticker described in this section, a special registration plate
10 under section 803d, or a tab for persons with disabilities under
11 section 803f.

12 (f) Knowingly using or displaying a certificate, placard, or
13 sticker described in this section that has been canceled by the
14 secretary of state.

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

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

27 (19) A certificate of identification issued before October 1,

1 1994 that does not contain an expiration date expires and shall
2 be canceled on October 1, 1994.

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

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

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

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

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

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

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

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

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

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

11 (23) A windshield placard issued to a disabled person shall
12 ~~bear the disabled person's driver's or chauffeur's license~~
13 ~~number or the number on his or her official state personal~~
14 ~~identification card issued under 1972 PA 222, MCL 28.291 to~~
15 ~~28.300.~~ **display all of the following information concerning the**
16 **disabled person:**

17 (a) His or her black and white photograph.

18 (b) The last 4 digits of the disabled person's operator's
19 license number or chauffeur's license number or of the number on
20 his or her official state personal identification card issued
21 under 1972 PA 222, MCL 28.291 to 28.300.

22 (24) For purposes of this section only, the secretary of
23 state may accept an application for a windshield placard, special
24 registration plate, or free parking sticker from a disabled
25 person that is signed by a physician or physician assistant
26 licensed to practice in another state if the application is
27 accompanied by a copy of that physician's or physician

1 assistant's current medical license issued by that state.