

HOUSE BILL No. 4342

February 18, 2009, Introduced by Rep. Green and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 675 and 803d (MCL 257.675 and 257.803d), section 675 as amended by 2004 PA 151 and section 803d as amended by 1998 PA 68.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

1 to and within 12 inches of any curb existing at the left of the
2 vehicle.

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

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

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

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

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

1 (b) The secretary of state may issue to a disabled person with
2 a permanent disability an original or renewal permanent windshield
3 placard that is valid for at least 4 years. **BEFORE ISSUING A**
4 **WINDSHIELD PLACARD UNDER THIS SUBDIVISION, THE SECRETARY OF STATE**
5 **SHALL ADVISE THE DISABLED PERSON OF THE COST OF A WINDSHIELD**
6 **PLACARD ISSUED UNDER THIS SECTION AND THE COST OF A SPECIAL**
7 **REGISTRATION PLATE ISSUED UNDER SECTION 803D.**

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

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

13 (e) A person holding a certificate of identification or
14 permanent windshield placard at any time within 45 days before the
15 expiration of his or her certificate or placard may make
16 application for a new or renewal placard as provided for in this
17 section. However, if the person will be out of state during the 45
18 days immediately preceding expiration of the certificate or placard
19 or for other good cause shown cannot apply for a placard within the
20 45-day period, application for a new or renewal placard may be made
21 not more than 6 months before expiration of the certificate or
22 placard. A placard issued or renewed under this subdivision shall
23 expire as provided for in this subsection.

24 (f) Upon application in the manner prescribed by the secretary
25 of state for replacement of a lost, stolen, or destroyed
26 certificate or placard described in this section, a disabled person
27 or organization that provides specialized services to disabled

1 persons may be issued a placard that in substance duplicates the
2 original certificate or placard for a fee of \$10.00.

3 (g) A certificate or placard described in this section may be
4 used by a person other than the disabled person for the sole
5 purpose of transporting the disabled person. An organization that
6 provides specialized services to disabled persons may apply for and
7 receive a permanent windshield placard to be used in any motor
8 vehicle actually transporting a disabled person. If the
9 organization ceases to transport disabled persons, the placard
10 shall be returned to the secretary of state for cancellation and
11 destruction.

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

1 (7) Except as otherwise provided in subsection (24), an
2 application for an initial free parking sticker shall contain a
3 certification by a physician, physician assistant, or certified
4 nurse practitioner licensed to practice in this state attesting to
5 the nature and estimated duration of the applicant's disabling
6 condition and verifying that the applicant qualifies for a free
7 parking sticker. An individual who has a religious objection to
8 having a medical examination may personally apply at a branch
9 office of the secretary of state for an initial free parking
10 sticker. If it appears obvious that the individual is unable to do
11 1 or more of the acts listed in subdivisions (a) to (d), the
12 individual shall not be required to present a certification by a
13 physician, a physician assistant, or a certified nurse practitioner
14 attesting to the nature and estimated duration of the applicant's
15 disabling condition or verifying that the applicant qualifies for a
16 free parking sticker. The applicant qualifies for a free parking
17 sticker if the applicant is a licensed driver and the physician,
18 physician assistant, or certified nurse practitioner certifies or,
19 if an individual is not required to have a certification by a
20 physician, a physician assistant, or a certified nurse
21 practitioner, it is obvious that the applicant is unable to do 1 or
22 more of the following:

23 (a) Manage, manipulate, or insert coins, or obtain tickets or
24 tokens in parking meters or ticket machines in parking lots or
25 parking structures, due to the lack of fine motor control of both
26 hands.

27 (b) Reach above his or her head to a height of 42 inches from

1 the ground, due to a lack of finger, hand, or upper extremity
2 strength or mobility.

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

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

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

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

14 (b) A valid certificate of identification issued before
15 October 1, 1994.

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

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

18 (e) A license plate for persons with disabilities issued by
19 another state.

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

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

27 (10) Blindness that is not accompanied by an incapacity

1 described in subsection (7) does not entitle a person to a free
2 parking sticker.

3 (11) The secretary of state shall attach a free parking
4 sticker, in contrasting colors, to the windshield placard of a
5 person certified as having an incapacity described in subsection
6 (7).

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

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

15 (14) Upon conviction of an offense involving a violation of
16 the special privileges conferred upon a holder of a certificate of
17 identification, windshield placard, or free parking sticker, a
18 magistrate or judge trying the case, as a part of any penalty
19 imposed, may confiscate the serially numbered certificate of
20 identification, windshield placard, or free parking sticker and
21 return the confiscated item or items to the secretary of state
22 together with a certified copy of the sentence imposed. Upon
23 receipt of a certificate of identification, windshield placard, or
24 free parking sticker from a judge or magistrate, the secretary of
25 state shall cancel and destroy the certificate, placard, or
26 sticker, and the disabled person to whom it was issued shall not
27 receive another certificate, placard, or sticker until he or she

1 submits a completed application and presents a current medical
2 statement attesting to his or her condition. A law enforcement
3 officer who observes a misuse of a certificate of identification,
4 windshield placard, or free parking sticker may immediately
5 confiscate the certificate, placard, or sticker and forward it with
6 a copy of his or her report to the secretary of state.

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

16 (16) A person who commits or attempts to commit a deception or
17 fraud by 1 or more of the following methods is guilty of a
18 misdemeanor punishable by a fine of not more than \$500.00 or
19 imprisonment for not more than 30 days, or both:

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

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

27 (c) Copying or forging a certificate of identification,

1 windshield placard, or free parking sticker described in this
2 section or selling a copied or forged certificate, placard, or
3 sticker described in this section. In the case of a violation of
4 this subdivision, the fine described in this subsection shall be
5 not less than \$250.00.

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

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

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

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

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

1 expiration date.

2 (19) A certificate of identification issued before October 1,
3 1994 that does not contain an expiration date expires and shall be
4 canceled on October 1, 1994.

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

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

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

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

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

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

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

26 (f) A person has violated this act and the secretary of state
27 is authorized under this act to cancel, revoke, or suspend a

1 windshield placard, free parking sticker, or certificate of
2 identification for that violation.

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

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

13 (23) A windshield placard issued to a disabled person shall
14 bear the first letter and the last 3 digits of the disabled
15 person's driver's or chauffeur's license number or the first letter
16 and the last 4 digits of the number on his or her official state
17 personal identification card issued under 1972 PA 222, MCL 28.291
18 to 28.300.

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

1 (25) This section does not require new or additional third
2 party reimbursement or worker's compensation benefits for services
3 rendered.

4 Sec. 803d. (1) A disabled person may ~~make application~~ **APPLY** to
5 the secretary of state and the secretary of state may issue special
6 registration plates inscribed with the official international
7 wheelchair symbol or a reasonable facsimile of that symbol and
8 special identification numbers. Vehicles registered ~~pursuant to~~
9 **UNDER** section 801(1)(a) may be issued special registration plates
10 ~~pursuant to~~ **UNDER** this section. A vehicle ~~which~~ **THAT** is used to
11 transport disabled persons may qualify for these distinguishing
12 plates when the registered owner of the vehicle resides at the same
13 address as the disabled person, submits as part of his or her
14 application for the plates a statement to the effect that the
15 vehicle is used for that purpose, and provides the secretary of
16 state with a medical statement attesting to the fact that the
17 person being transported is a disabled person. The fees for the
18 special registration plates shall correspond with the registration
19 fees provided in section 801(1)(a). Application for the special
20 plates shall be on a form prescribed by the secretary of state. As
21 part of a penalty imposed for violation of the special privileges
22 conferred by this section, a magistrate or judge may order the
23 special plates confiscated and returned to the secretary of state
24 together with a certified copy of the sentence imposed. The use of
25 special plates on a vehicle other than the vehicle for which the
26 plates are issued or by a person who does not qualify under this
27 section is a misdemeanor.

1 (2) BEFORE ISSUING A SPECIAL REGISTRATION PLATE UNDER THIS
2 SECTION, THE SECRETARY OF STATE SHALL ADVISE THE DISABLED PERSON OF
3 THE COST OF A SPECIAL REGISTRATION PLATE ISSUED UNDER THIS SECTION
4 AND THE COST OF A WINDSHIELD PLACARD ISSUED UNDER SECTION 675.