

HOUSE BILL No. 6300

September 5, 2018, Introduced by Rep. LaFave and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 675, 803f, and 803h (MCL 257.675, 257.803f, and 257.803h), section 675 as amended by 2018 PA 179, section 803f as amended by 1998 PA 68, and section 803h as amended by 2018 PA 62.

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

1 right of the vehicle.

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

6 (3) A local authority may by ordinance permit angle parking on
7 a roadway, except that angle parking is not permitted on a state
8 trunk line highway unless authorized by the state transportation
9 department.

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

1 ordinance of the home rule city prohibits or restricts the parking
2 of vehicles on a state trunk line highway; when the home rule city,
3 by lawfully authorized official action, requests the state
4 transportation department to prohibit or restrict parking on a
5 state trunk line highway; or when the home rule city enters into a
6 construction agreement with the state transportation department
7 providing for the prohibition or restriction of parking on a state
8 trunk line highway during or after the period of construction.

9 Traffic control orders, so long as they affect parking upon a state
10 trunk line highway within the corporate limits of a home rule city,
11 are considered "rules" within the meaning of the administrative
12 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and upon
13 application for a hearing by a home rule city, the proceedings
14 before the state transportation commission shall be considered a
15 "contested case" within the meaning of that act.

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

1 is subject to all of the following:

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

5 (b) The secretary of state may issue to a disabled person with
6 a permanent disability an original or renewal permanent windshield
7 placard that is valid for a period of not more than 4 years.

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

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

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

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

1 placard for a fee of \$10.00.

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

10 (h) The secretary of state shall not issue a permanent placard
11 to an individual under this section unless that individual has
12 provided proof of Michigan residency.

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

1 ordinance.

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

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

1 hands.

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

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

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

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

14 (a) A windshield placard bearing a free parking sticker issued
15 under this act.

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

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

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

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

1 state.

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

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

14 (a) Using a windshield placard or free parking sticker issued
15 under this section or by another state to provide transportation to
16 a disabled person, if the person is not providing transportation to
17 a disabled person.

18 (b) Altering, modifying, or selling a windshield placard or
19 free parking sticker issued under this section or by another state.

20 (c) Copying or forging a windshield placard or free parking
21 sticker described in this section or selling a copied or forged
22 placard or sticker described in this section. In the case of a
23 violation of this subdivision, the fine described in this
24 subsection shall be not less than \$250.00.

25 (d) Using a copied or forged windshield placard or free
26 parking sticker described in this section.

27 (e) Making a false statement of material fact to obtain or

1 assist an individual in obtaining a placard or sticker described in
2 this section, a special registration plate under section 803d, or a
3 tab for persons with disabilities under section 803f.

4 (f) Knowingly using or displaying a placard or sticker
5 described in this section that has been canceled by the secretary
6 of state.

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

9 (17) The secretary of state may cancel, revoke, or suspend a
10 windshield placard or free parking sticker under any of the
11 following circumstances:

12 (a) The secretary of state determines that a windshield
13 placard or free parking sticker was fraudulently or erroneously
14 issued.

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

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

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

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

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

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

10 (18) Before a cancellation, revocation, or suspension under
11 subsection (17), the person affected by that action shall be given
12 notice and an opportunity to be heard.

13 (19) 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 or chauffeur's license number or official state
16 personal identification card number.

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

26 (21) This section does not require new or additional third
27 party reimbursement or worker's compensation benefits for services

1 rendered.

2 (22) THE SECRETARY OF STATE SHALL ISSUE A WINDSHIELD PLACARD
3 UNDER THIS SECTION TO A TOTALLY DISABLED VETERAN WHO HAS OBTAINED A
4 SPECIAL REGISTRATION PLATE UNDER SECTION 803F WITHOUT REQUIRING
5 ADDITIONAL PROOF OF THE TOTALLY DISABLED VETERAN'S DISABILITY.

6 (23) ~~(22)~~—As used in this section, "disabled person" means a
7 person who is determined by a physician, a physician assistant, a
8 physical therapist, or an optometrist as specifically provided in
9 this section licensed to practice in this state to have 1 or more
10 of the following physical characteristics:

11 (a) Blindness as determined by an optometrist, a physician, or
12 a physician assistant.

13 (b) Inability to walk more than 200 feet without having to
14 stop and rest.

15 (c) Inability to do both of the following:

16 (i) Use 1 or both legs or feet.

17 (ii) Walk without the use of a wheelchair, walker, crutch,
18 brace, prosthetic, or other device, or without the assistance of
19 another person.

20 (d) A lung disease from which the person's forced expiratory
21 volume for 1 second, when measured by spirometry, is less than 1
22 liter, or from which the person's arterial oxygen tension is less
23 than 60 mm/hg of room air at rest.

24 (e) A cardiovascular condition that causes the person to
25 measure between 3 and 4 on the New York heart classification scale,
26 or that renders the person incapable of meeting a minimum standard
27 for cardiovascular health that is established by the American Heart

1 Association and approved by the department of public health.

2 (f) An arthritic, neurological, or orthopedic condition that
3 severely limits the person's ability to walk.

4 (g) The persistent reliance upon an oxygen source other than
5 ordinary air.

6 Sec. 803f. (1) A person who is a totally disabled veteran with
7 an honorable discharge from the armed services may make an
8 application to the secretary of state if he or she owns a private
9 passenger motor vehicle, and the secretary of state may issue a
10 special registration plate ~~which~~**THAT** shall be inscribed with
11 special identification numbers preceded by the letters "DV" and
12 ~~shall have~~ the words "disabled veteran" inscribed beneath the
13 registration number. ~~For the purposes of~~**AS USED IN** this section,
14 "private passenger motor vehicle" means a motor vehicle ~~which~~**THAT**
15 is personally owned by the disabled veteran and is used for the
16 primary purpose of transporting the disabled veteran and family
17 members of the disabled veteran, but does not include a motor home.

18 (2) Application for the special registration plate shall be on
19 a form prescribed by the secretary of state, and shall be
20 accompanied by a service fee of \$5.00 and proof that the applicant
21 was honorably discharged from the armed services and either 1 of
22 the following:

23 (a) That the applicant has been determined by the veterans'
24 administration of the federal government to have a service-
25 connected total or permanent total disability rating for
26 compensation.

27 (b) That the applicant has been determined to have a service-

1 connected total or permanent total disability rating and is
2 receiving disability retirement pay from a branch of the uniformed
3 armed services.

4 (3) A special registration issued under this section is exempt
5 from payment of the tax provided in section 801.

6 (4) The special registration plate shall expire on the
7 birthday of the disabled veteran in a year in which new plates are
8 issued by the secretary of state. Application for renewal of the
9 special registration plate shall be accompanied by a \$5.00 service
10 fee. The applicant shall not be required to furnish the proof
11 provided in subsection (2).

12 (5) The secretary of state may issue to a disabled person who
13 has been issued a special registration plate under this section a
14 tab for persons with disabilities. The tab for persons with
15 disabilities shall be an adhesive tab displaying the international
16 wheelchair symbol or a reasonable facsimile of that symbol. The tab
17 for persons with disabilities may be attached only to the special
18 registration plate issued to the disabled person under this
19 section.

20 (6) An application for a tab for persons with disabilities
21 shall be on a form prescribed by the secretary of state. The
22 secretary of state shall **NOT** require ~~the same~~ **ADDITIONAL** proof that
23 the applicant is a disabled person. ~~as is required for issuance of~~
24 ~~a permanent windshield placard under section 675.~~

25 (7) The tab for persons with disabilities shall be issued free
26 of charge.

27 (8) When a disabled person who has been issued a tab for

1 persons with disabilities renews his or her special registration
2 plate under this section, the secretary of state shall issue a new
3 tab for persons with disabilities to the disabled person, free of
4 charge. The disabled person shall not be required to again furnish
5 the proof required under subsection (6).

6 (9) The use of the special registration plate or a tab for
7 persons with disabilities on a motor vehicle other than the motor
8 vehicle for which the special registration plate is issued, or by a
9 person who does not qualify under this section, is a misdemeanor.

10 Sec. 803h. (1) The secretary of state may issue a tab for
11 persons with disabilities to a disabled person who is issued or has
12 been issued a Michigan motor vehicle registration plate other than
13 a section 803d registration plate for persons with disabilities.
14 The tab for persons with disabilities shall be an adhesive tab
15 displaying the international wheelchair symbol or a reasonable
16 facsimile of that symbol. The use of a tab for persons with
17 disabilities on a registration plate other than the plate for which
18 the tab was issued or by a person who does not qualify as a
19 disabled person is a misdemeanor.

20 (2) A tab for persons with disabilities shall not be used on a
21 registration plate attached to a motor vehicle owned and operated
22 by this state; a state institution; a municipality; a governmental
23 unit; a nonprofit organization; the civil air patrol; or a
24 nonprofit, nonpublic college or university; or on a commercial
25 motor vehicle. A tab for persons with disabilities shall not be
26 placed on a registration plate used for intransit-repair or
27 repossession of a motor vehicle.

1 (3) THE SECRETARY OF STATE SHALL ISSUE A TAB FOR PERSONS WITH
2 DISABILITIES TO A TOTALLY DISABLED VETERAN WHO HAS OBTAINED A
3 SPECIAL REGISTRATION PLATE UNDER SECTION 803F WITHOUT REQUIRING
4 ADDITIONAL PROOF OF THE TOTALLY DISABLED VETERAN'S DISABILITY.

5 (4) ~~(3)~~—As used in this section, "disabled person" means a
6 person who is determined by a physician, a physician assistant, a
7 physical therapist, or an optometrist as specifically provided in
8 this section licensed to practice in this state to have 1 or more
9 of the following physical characteristics:

10 (a) Blindness as determined by an optometrist, a physician, or
11 a physician assistant.

12 (b) Inability to walk more than 200 feet without having to
13 stop and rest.

14 (c) Inability to do both of the following:

15 (i) Use 1 or both legs or feet.

16 (ii) Walk without the use of a wheelchair, walker, crutch,
17 brace, prosthetic, or other device, or without the assistance of
18 another person.

19 (d) A lung disease from which the person's forced expiratory
20 volume for 1 second, when measured by spirometry, is less than 1
21 liter, or from which the person's arterial oxygen tension is less
22 than 60 mm/hg of room air at rest.

23 (e) A cardiovascular condition that causes the person to
24 measure between 3 and 4 on the New York heart classification scale,
25 or that renders the person incapable of meeting a minimum standard
26 for cardiovascular health that is established by the American ~~heart~~
27 ~~association~~ **HEART ASSOCIATION** and approved by the department of

1 public health.

2 (f) An arthritic, neurological, or orthopedic condition that
3 severely limits the person's ability to walk.

4 (g) The persistent reliance upon an oxygen source other than
5 ordinary air.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.