

HOUSE BILL No. 5898

May 28, 1998, Introduced by Reps. Wojno, Hale, Gire, Bogardus, Baird, Hanley, Martinez, Scott, Anthony, DeHart, Schauer, McBryde, Jansen, Richner, Parks, Brown, Voorhees and Raczkowski and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 675 (MCL 257.675), 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
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 adja-
8 cent to and within 12 inches of any curb existing at the left of
9 the vehicle.

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

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

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

11 (5) ~~After October 1, 1994, a~~ A disabled person may apply,
12 on a form prescribed by the secretary of state, for a serially
13 numbered nontransferable temporary or permanent windshield plac-
14 ard for the personal use of the disabled person. An individual
15 who has a religious objection to having a medical examination by
16 a physician may personally apply at a branch office of the secre-
17 tary of state for a serially numbered nontransferable temporary
18 or permanent windshield placard for the personal use of the dis-
19 abled individual. If it appears obvious that the individual has
20 a qualifying disability, the individual shall not be required to
21 present a medical statement attesting to the disability. The
22 application for and the issuance of the serially numbered non-
23 transferable temporary or permanent windshield placard is subject
24 to all of the following:

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

1 (b) The secretary of state may issue to a disabled person
2 with a permanent disability an original or renewal permanent
3 windshield placard that is valid for at least 4 years.

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

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

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

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

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

24 (7) An application for an initial free parking sticker shall
25 contain a certification by a physician licensed to practice in
26 this state attesting to the nature and estimated duration of the
27 applicant's disabling condition and verifying that the applicant

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

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

19 (b) Reach above his or her head to a height of 42 inches
20 from the ground, due to a lack of finger, hand, or upper extrem-
21 ity strength or mobility.

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

24 (d) Walk more than 20 feet due to an orthopedic, neurolo-
25 gical, cardiovascular, or lung condition in which the degree of
26 debilitation is so severe that it almost completely impedes the
27 ability to walk.

1 (8) To be entitled to free parking in a metered space or in
2 a publicly owned parking structure or area, a vehicle must prop-
3 erly display 1 of the following:

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

6 (b) A valid certificate of identification issued before the
7 effective date of this act.

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

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

11 (e) A license plate for persons with disabilities issued by
12 another state.

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

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

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

23 (11) The secretary of state shall attach a free parking
24 sticker, in contrasting colors, to the windshield placard of a
25 person certified as having an incapacity described in subsection
26 (7).

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

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

10 (14) Upon conviction of an offense involving a violation of
11 the special privileges conferred upon a holder of a certificate
12 of identification, windshield placard, or free parking sticker, a
13 magistrate or judge trying the case, as a part of any penalty
14 imposed, may confiscate the serially numbered certificate of
15 identification, windshield placard, or free parking sticker and
16 return the confiscated item or items to the secretary of state
17 together with a certified copy of the sentence imposed. Upon
18 receipt of a certificate of identification, windshield placard,
19 or free parking sticker from a judge or magistrate, the secretary
20 of state shall cancel and destroy the certificate, placard, or
21 sticker, and the disabled person to whom it was issued shall not
22 receive another certificate, 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 certificate of identification,
26 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, pun-
10 ishable by a fine of not more than \$500.00 or imprisonment for
11 not more than 30 days, or both.

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

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

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

24 (c) Copying or forging a certificate of identification,
25 windshield placard, or free parking sticker described in this
26 section. ~~or selling or using a certificate, placard, or sticker~~
27 ~~described in this subdivision.~~ IN THE CASE OF A VIOLATION OF

1 THIS SUBDIVISION, THE FINE DESCRIBED IN THIS SUBSECTION SHALL BE
2 NOT LESS THAN \$100.00.

3 (D) SELLING OR USING A COPIED OR FORGED CERTIFICATE OF IDEN-
4 TIFICATION, WINDSHIELD PLACARD, OR FREE PARKING STICKER DESCRIBED
5 IN THIS SECTION.

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

11 (F) ~~-(e)-~~ Knowingly using or displaying a certificate, plac-
12 ard, or sticker described in this section that has been canceled
13 by the secretary of state.

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

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

26 (19) A certificate of identification issued before the
27 effective date of this act that does not contain an expiration

1 date expires and shall be canceled on ~~the effective date of the~~
2 ~~amendatory act that added this subsection~~ 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 iden-
7 tification 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 presenta-
16 tion and is not paid upon reasonable notice or demand or that the
17 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 plac-
23 ard, free parking sticker, or certificate of identification.

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

1 (g) The secretary of state receives notice from another
2 state 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 con-
5 formity with the laws of that other state or foreign country, or
6 has been improperly used or displayed in violation of the laws of
7 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 number
13 or the number on his or her official state personal identifica-
14 tion card issued under 1972 PA 222, MCL 28.291 to ~~28.295~~
15 28.300.