



Olds Plaza Building, 10th Floor  
Lansing, Michigan 48909  
Phone: 517/373-6466

## INCREASE HANDICAP PARKING FINE

### House Bill 4573 with committee amendments First Analysis (5-13-97)

**Sponsor: Rep. Pat Gagliardi**  
**Committee: Transportation**

#### ***THE APPARENT PROBLEM:***

Those who depend on handicapper designated parking spaces when at work or when moving around their communities are often frustrated to find the spaces illegally occupied. Although Public Act 104 of 1994 made a number of changes designed to ensure that only individuals truly qualified for handicapper parking privileges used them, non-disabled drivers continue to take advantage of the easy access that handicapper parking spots provide to an office, grocery store and other places. The Disabled American Veterans organization recently deployed a civilian patrol to observe the situation, and concluded that penalties do little to deter those who usurp these spaces. Some people apparently consider that the advantage gained from convenient parking outweighs paying a fine. It has been suggested that stiffer penalties are needed to deter non-disabled drivers from using handicapper parking spaces.

#### ***THE CONTENT OF THE BILL:***

Currently, under the Michigan Vehicle Code, a person who parks in a handicapper parking space without displaying a handicapper registration plate, handicapper I.D. certificate, or windshield placard, must pay court costs and a civil fine of between \$50 and \$100. The bill would amend the act to specify that the fine would be not less than \$150, but not more than \$200.

MCL 257.907

#### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would have no impact on state funds. (5-12-97)

#### ***ARGUMENTS:***

##### ***For:***

Despite a number of changes to the vehicle code over the past several years that were intended to strengthen handicapper parking laws, non-disabled drivers continue to take advantage of the easy access that these parking

spots provide to a grocery store or other places. By increasing the fine, from between \$50 and \$100, to between \$150 and \$200, the bill would cause people to think twice about parking illegally in a handicapper parking space, and would help ensure that only those who need access to handicapper parking spaces have access to them.

##### ***Against:***

The bill should provide for a wider range of fines, since there are some situations when people are understandably tempted to park illegally in handicapper parking spaces: late at night, for example, when there are no other parking spaces available, and the person expects to be gone for only a few minutes. Those who receive parking tickets under these circumstances should not receive the same fine as, say, a repeat offender who habitually breaks the handicapper parking laws. In addition, it should be noted that the fine for parking in handicapper designated parking spaces is already much higher than that imposed for, say, a moving violation.

##### ***Response:***

People will always be able to think up excuses -- legitimate or otherwise -- to justify using handicapper parking spaces. However, all drivers must face the fact that these parking spaces are off limits except for the disabled. In any case, the range of fines, from \$150 to \$200, would allow judges the discretion of imposing higher fines on repeat offenders. Also, when comparing these fines with those imposed for moving violations, it should be remembered that the latter result in costs that continue for years in the form of higher insurance premiums.

##### ***Against:***

Currently, some 800,000 persons have handicapper parking permits, including handicapper certificates of I.D. or windshield placards. An individual must present a medical statement, certified by a physician, in order to qualify for one. However, it is common knowledge that a percentage of those parking in handicapper spots with these permits evidence no physical handicaps when walking away from their vehicles. In some of these situations, what has happened is that the owner of a

House Bill 4573 (5-13-97)

handicapper sticker or registration plate has allowed a relative or friend to drive the car, although this is a misdemeanor under the code, punishable by a fine of \$500, imprisonment for up to 30 days, or both. Circumstances such as these pose special enforcement problems, and, in testimony heard before the House committee, it was suggested that a task force be appointed to study this problem. The bill should include a provision for this task force.

***POSITIONS:***

Michigan Protection and Advocacy supports the bill. (5-12-97)

The Disability Awareness Council supports the bill. (5-12-97)

American Veterans of WWII, Korea, and Vietnam (AMVETS) supports the bill. (5-12-97)

The Developmental Disabilities Council in the Department of Community Health has no position on the bill. (5-12-97)

The Department of State has no position on the bill. (5-12-97)

Analyst: R. Young

---

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.