

## ADOPTING A NEW SYMBOL OF ACCESSIBILITY

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<http://www.house.mi.gov/hfa>

**House Bill 4516 as introduced**  
**Sponsor: Rep. Beau Matthew LaFave**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 4517 as introduced**  
**Sponsor: Rep. Greg VanWoerkom**

**Committee: Health Policy**  
**Complete to 6-20-19**

### SUMMARY:

**House Bill 4516** would amend the Persons with Disabilities Civil Rights Act to require the Civil Rights Commission (established in the Michigan Constitution<sup>1</sup> and charged with investigating alleged discrimination against any person because of religion, race, color, or national origin in the enjoyment of the civil rights guaranteed by law and the constitution, and securing the equal protection of such civil rights without such discrimination) to adopt and put in use a standardized design that is a variation of the International Symbol of Access (ISA) (see pictures below).

The design would have to comply with all of the following:

- Depict a dynamic character leaning forward in a wheelchair with a sense of movement.
- Provide a contrasting background, with either a light symbol on a dark background or a dark symbol on a light background.
- Facilitate accessibility to a degree equivalent to the existing ISA.
- Be simple and avoid any secondary meaning.

One year after the bill took effect, each new placement or replacement of ISA signs required by law, ordinance, or administrative rule of the state or a local unit of government would have to use the design adopted. If placement or replacement was not required under law or rule, the commission and the Michigan Department of Civil Rights (MDCR) would have to encourage use of the design.

Finally, the bill would require the commission and MDCR to take the necessary steps to remove the word “handicapped” from signs or other means of communication of the state or a local unit.

Proposed MCL 37.1102a

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<sup>1</sup> <http://legislature.mi.gov/doc.aspx?mcl-Article-V-29>

**House Bill 4517** would amend the Uniform Traffic Code to provide that signs designating a parking space for persons with disabilities that were erected or placed after the bill took effect would have to use the design adopted in House Bill 4516 (in other words, the picture below on the left). The sign would have to have the same dimensions as existing signs—12 inches by 18 inches or larger—and could not include a written word describing persons with disabilities, such as “handicapped,” but could include a written word providing instruction, such as “reserved.”

MCL 257.951

Both bills would take effect 90 days after enactment. The bills are tie-barred together, which means that neither could take effect unless both were enacted.

## **BACKGROUND:**

In 1968, the International Symbol of Accessibility (ISA), pictured below on the right, was created through a design competition and adopted by the International Organization for Standardization (ISO). The ISO is an independent, nongovernmental organization that represents over 160 national standard-setting entities and develops voluntary, consensus-based, international symbols.

As of June 2019, two states have adopted the “Dynamic Accessibility Symbol,” pictured below on the left. New York adopted the symbol in 2014,<sup>2</sup> and Connecticut adopted it in 2017.<sup>3</sup>



Updated Dynamic  
Accessibility Symbol



Original  
Accessibility Symbol

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<sup>2</sup> <https://www.compliancesigns.com/media/resource-bulletins/CRB-NewYork-ISA-DynamicAccessibility.pdf>

<sup>3</sup> <https://www.compliancesigns.com/media/resource-bulletins/CRB-Connecticut-ISA-DynamicAccessibility.pdf>

## **FISCAL IMPACT:**

The bills would create no direct costs for the state or local units of government. The bill would only require signs with the ISA to be updated with the modified design upon new placement or replacement of signs, resulting in no new necessary costs. Additionally, the bills' requirement for MDCR to take necessary steps to have the word "handicapped" removed from any signs or means of communication would not require public or private entities to replace signs in order to comply with the bills.

The bills could expose public and private entities to potential costs by establishing an ISA standard other than federal standards established under the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). The ADA and ABA mandate the use of the existing ISA as approved by the ISO. Any departure from this standard must either be approved as satisfying the provision of "equivalent facilitation," under the ADA, or receive a waiver under provisions of the ABA.<sup>4</sup> The modified ISA proposed by the bills has not been determined to meet the requirements of an alternate standard under either act. Public and private entities would potentially be required to comply with both federal standards and those established under the bills, thereby doubling signage costs or exposing entities to the risk, albeit unlikely, of costly litigation and lawsuits.

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

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<sup>4</sup> "Guidance on Use of the International Symbol of Accessibility Under the Americans with Disabilities Act and the Architectural Barriers Act," United States Access Board, March 27, 2017. <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/guide-to-the-ada-standards/guidance-on-the-isa>.