

Legislative Analysis



ADOPTING A NEW SYMBOL OF ACCESSIBILITY

House Bill 4516 (H-1) as referred to second committee
Sponsor: Rep. Beau Matthew LaFave

House Bill 4517 (H-1) as referred to second committee
Sponsor: Rep. Greg VanWoerkom

1st Committee: Health Policy
2nd Committee: Ways and Means
Complete to 10-8-19

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

BRIEF SUMMARY: House Bill 4516 would amend the Persons with Disabilities Civil Rights Act to require the Civil Rights Commission to adopt and put in use a standardized design that is a variation of the International Symbol of Access (ISA) (see pictures below). House Bill 4517 would require all signs designating a parking space for persons with disabilities erected after the bill was enacted to use that design.

FISCAL IMPACT: The bills would create no direct costs for the state or local units of government. However, 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). (See **Fiscal Information**, below, for a detailed analysis.)

THE APPARENT PROBLEM:

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. In recent years, there has been a movement to update the sign to make it more inclusive and depict the active lifestyle of persons with disabilities propelling themselves through life, rather than passively sitting and being assisted.

As of June 2019, two states have adopted the “Dynamic Accessibility Symbol,” pictured below on the left. New York adopted the symbol in 2014,¹ and Connecticut adopted it in 2017.²



Updated Dynamic
Accessibility Symbol



Original
Accessibility Symbol

¹ <https://www.compliancesigns.com/media/resource-bulletins/CRB-NewYork-ISA-DynamicAccessibility.pdf>

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

THE CONTENT OF THE BILLS:

House Bill 4516 would amend the Persons with Disabilities Civil Rights Act to require the Civil Rights Commission to adopt and put in use a standardized design that is a variation of the International Symbol of Access (ISA) (see pictures above). The Civil Rights Commission is established in the Michigan Constitution³ 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 those civil rights without that discrimination.

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

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 (the picture above 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 word describing persons with disabilities, such as “handicapped,” but could include a 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.

FISCAL INFORMATION:

The bills would create no direct costs for the state or local units of government. The bills 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

³ <http://legislature.mi.gov/doc.aspx?mcl-Article-V-29>

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.⁴ 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.

ARGUMENTS:

For:

Proponents advanced the bills as a way to update a symbol that was first introduced over 50 years ago. The proposed design would depict persons with disabilities as dynamic and “on the go,” they said, and accurately show the wheelchair as a symbol of independence rather than of reliance.

Against:

No one testified or voted against the bills in House Health Policy committee.

POSITIONS:

Representatives of the following organizations testified in support of the bills (6-20-19):

Disability Advocates of Kent County
Disability Network/Michigan

The following organizations indicated support for the bills:

Michigan Department of Civil Rights (10-3-19)
Michigan Developmental Disabilities Council (6-20-19)
Disability Network Southwest Michigan (6-20-19)
MARO (6-20-19)
Michigan Council of Nurse Practitioners (10-3-19)
Michigan Brain Injury Association (10-3-19)

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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.

⁴ “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>.