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House Bill 4516 & 4517 (Substitute H-1 as passed by the House)
Sponsor: Representative Beau Matthew LaFave (H.B. 4516)
Representative Greg VanWoerkom (H.B. 4517)
House Committee: Health Policy
Ways and Means
Senate Committee: Health Policy and Human Services

Date Completed: 2-20-20

CONTENT

House Bill 4516 (H-1) would amend the Persons with Disabilities Civil Rights Act to do the following:

- **Require the Civil Rights Commission to adopt and post on the Department of Civil Rights' website a standardized design that was a variation of the current international symbol of access and depicted a dynamic character leaning forward in a wheelchair.**
- **Beginning one year after the bill's effective date, require each new placement or replacement of an international symbol of access sign required by law, ordinance, or administrative rule to use the design adopted under the bill,**
- **Require the Commission and Department to encourage the use of the design adopted under the bill for placement or replacement of the international symbol of access not required by law, ordinance, or administrative rule.**
- **Require the Commission and Department to take necessary steps to encourage the word "handicapped" be removed from any signs or other means of communication of the State or any local government.**

House Bill 4517 (H-1) would amend Public Act 62 of 1956, which governs the regulation of traffic within cities, townships, and villages, to do the following:

- **Require a sign designating a parking space for individuals with disabilities that was erected on or after the bill's effective date to be 12 inches by 18 inches or larger and use the sign proposed for adoption under House Bill 4516 (H-1).**
- **Modify a provision of the Act to refer to the international symbol of access, instead of the international handicapped symbol.**

The bills are tie-barred. Each bill would take effect 90 days after its enactment.

House Bill 4516 (H-1)

The bill would amend the Persons with Disabilities Civil Rights Act to require the Commission to adopt and post on the Department's website a standardized design that was a variation of the current international symbol of access. The design would have to comply with 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.
- Provide substantially equivalent or greater accessibility and usability as the international symbol of access.
- Be simple and avoid any secondary meaning.

Beginning one year after the bill's effective date, each new placement or replacement of an international symbol of access sign required by law, ordinance, or administrative rule of the State or a local unit of government of the State would have to use the design adopted as described above. For a placement or replacement of the international symbol of access that was not required by law, ordinance, or administrative rule of the State or a local unit of government of the State, the Commission and the Department would have to encourage use of the design adopted under the bill.

The Commission and the Department would have to take necessary steps to encourage that the word "handicapped" be removed from any signs or other means of communication of the State or any local unit of government of the State. For the purpose of the bill, necessary steps to encourage removal of the word "handicapped" would not include any form of civil or criminal action against a person. As used here "person" would mean that terms as defined in Section 31 of the Revised Statutes of 1846: bodies politic and corporate, as well as individuals.

House Bill 4517 (H-1)

Public Act 62 of 1956, notwithstanding the Uniform Traffic Code, requires a sign designating a parking space for individuals with disabilities to be 12 inches by 18 inches or larger. The sign must be either blue or white and, at a minimum, contain the international handicapped symbol. The bill would refer to the international symbol of access, instead of the international handicapped symbol.

Under the bill, a sign designating a parking space for individuals with disabilities that was erected or replaced on or after the bill's effective date would have to be 12 inches by 18 inches or larger and would have to use the sign proposed for adoption under Section 102c of the Persons with Disabilities Civil Rights Act (which House Bill 4516 (H-1) would add). The sign could not include the word "handicapped" and could include a word providing instruction, such as "reserved".

Proposed MCL 37.1102a (H.B. 4516)
257.951 (H.B. 4517)

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bills could have an indeterminate, negative fiscal impact on the State and local units of government.

The bills would require the use of a new, updated accessibility symbol for new signage on State and local property where required under law, rule, or ordinance, replacing the existing International Symbol of Access (ISA). The bills also would require the new signage when existing signs were replaced. These requirements would not have a direct fiscal impact on State and local units of government, since signage of the same dimension already would be required.

The new symbol identified in the bills has not been approved by the United States Access Board, which stated the following in an official guidance document in March 2017: "the ISA

must be used even where a state or local code or regulation specifies a different symbol". Currently, use of the ISA is required under the Americans with Disabilities Act (ADA) and the Architectural Barriers Act (ABA). A substitute symbol for the ISA, such as the symbol identified in the bills, is permitted under the ADA if it satisfies an "equivalent facilitation" provision and under the ABA if a waiver were issued by the agencies that are required to implement ABA standards (such as the U.S. Postal Service, for example).

For Michigan, State and local compliance with the bill's requirements would mean noncompliance with Federal regulations. Despite consideration and rejection of the new symbol by Federal agencies, the State of New York adopted the new accessibility symbol identified in the bills in 2014, and Connecticut adopted it in 2017. A cursory search of the implementation of those laws in those states did not reveal litigation costs or expenses because of noncompliance with Federal regulations.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.