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ENGROSSED SUBSTITUTE HOUSE BILL 2647

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State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Transportation (originally sponsored by Representative Peery)

Read first time 02/04/94.

1 AN ACT Relating to special parking privileges; amending RCW  
2 46.16.381 and 3.62.090; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.16.381 and 1993 c 106 s 1 are each amended to read  
5 as follows:

6 (1) The director shall grant special parking privileges to any  
7 person who has a disability that limits or impairs the ability to walk  
8 and meets one of the following criteria, as determined by a licensed  
9 physician:

10 (a) Cannot walk two hundred feet without stopping to rest;

11 (b) Is severely limited in ability to walk due to arthritic,  
12 neurological, or orthopedic condition;

13 (c) Is so severely disabled, that the person cannot walk without  
14 the use of or assistance from a brace, cane, another person, prosthetic  
15 device, wheelchair, or other assistive device;

16 (d) Uses portable oxygen;

17 (e) Is restricted by lung disease to such an extent that forced  
18 expiratory respiratory volume, when measured by spirometry is less than

1 one liter per second or the arterial oxygen tension is less than sixty  
2 mm/hg on room air at rest;

3 (f) Impairment by cardiovascular disease or cardiac condition to  
4 the extent that the person's functional limitations are classified as  
5 class III or IV under standards accepted by the American Heart  
6 Association; or

7 (g) Has a disability resulting from an acute sensitivity to  
8 automobile emissions which limits or impairs the ability to walk. The  
9 personal physician of the applicant shall document that the disability  
10 is comparable in severity to the others listed in this subsection.

11 (2) Persons who qualify for special parking privileges are entitled  
12 to receive from the department of licensing a removable windshield  
13 placard bearing the international symbol of access. The department  
14 shall design the placard to be displayed when the vehicle is parked by  
15 suspending it from the rearview mirror, or in the absence of a rearview  
16 mirror the card may be displayed on the dashboard of any vehicle used  
17 to transport the disabled person. Instead of regular motor vehicle  
18 license plates, disabled persons are entitled to receive special  
19 license plates bearing the international symbol of access for one  
20 vehicle registered in the disabled person's name. Disabled persons who  
21 are not issued the special license plates are entitled to receive a  
22 second special placard. Persons who have been issued the parking  
23 privileges and who are using a vehicle or are riding in a vehicle  
24 displaying the special license plates or placard may park in places  
25 reserved for mobility disabled persons. The director shall adopt rules  
26 providing for the issuance of special placards and license plates to  
27 public transportation authorities, nursing homes licensed under chapter  
28 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior  
29 citizen centers, ~~((and))~~ private nonprofit agencies as defined in  
30 chapter 24.03 RCW, and vehicles registered with the department as  
31 cabulances that regularly transport disabled persons who have been  
32 determined eligible for special parking privileges provided under this  
33 section. The director may issue special license plates for a vehicle  
34 registered in the name of the public transportation authority, nursing  
35 home, boarding homes, senior citizen center, ~~((or))~~ private nonprofit  
36 agency, or cabulance service if the vehicle is primarily used to  
37 transport persons with disabilities described in this section. Public  
38 transportation authorities, nursing homes, boarding homes, senior  
39 citizen centers, ~~((and))~~ private nonprofit agencies, and cabulance

1 services are responsible for insuring that the special placards and  
2 license plates are not used improperly and are responsible for all  
3 fines and penalties for improper use.

4 (3) Whenever the disabled person transfers or assigns his or her  
5 interest in the vehicle, the special license plates shall be removed  
6 from the motor vehicle. If another vehicle is acquired by the disabled  
7 person and the vehicle owner qualifies for a special plate, the plate  
8 shall be attached to the vehicle, and the director shall be immediately  
9 notified of the transfer of the plate. If another vehicle is not  
10 acquired by the disabled person, the removed plate shall be immediately  
11 surrendered to the director.

12 (4) The special license plate shall be renewed in the same manner  
13 and at the time required for the renewal of regular motor vehicle  
14 license plates under this chapter. No special license plate may be  
15 issued to a person who is temporarily disabled. A person who has a  
16 condition expected to improve within six months may be issued a  
17 temporary placard for a period not to exceed six months. The director  
18 may issue a second temporary placard during that period if requested by  
19 the person who is temporarily disabled. If the condition exists after  
20 six months a new temporary placard shall be issued upon receipt of a  
21 new certification from the disabled person's physician. The parking  
22 placard of a disabled person shall be renewed, when required by the  
23 director, by satisfactory proof of the right to continued use of the  
24 privileges.

25 (5) Additional fees shall not be charged for the issuance of the  
26 special placards. No additional fee may be charged for the issuance of  
27 the special license plates except the regular motor vehicle  
28 registration fee and any other fees and taxes required to be paid upon  
29 registration of a motor vehicle.

30 (6) Any unauthorized use of the special placard or the special  
31 license plate is a misdemeanor.

32 (7) It is a traffic infraction, with a monetary penalty of  
33 (~~fifty~~) seventy-five dollars for any person to park a vehicle in a  
34 parking place provided on private property without charge or on public  
35 property reserved for physically disabled persons without a special  
36 license plate or placard. If a person is charged with a violation, the  
37 person shall not be determined to have committed an infraction if the  
38 person produces in court or before the court appearance the special  
39 license plate or placard required under this section. A local

1 jurisdiction providing on-street parking places reserved for physically  
2 disabled persons may impose by ordinance time restrictions on the use  
3 of these parking places. A notice of traffic infraction issued under  
4 this subsection is a parking infraction subject to the public safety  
5 and education assessment imposed by RCW 3.62.090.

6 (8) The portion of a penalty imposed under subsection (7) of this  
7 section that is retained by a local jurisdiction under RCW 3.46.120,  
8 3.50.100, 3.62.020, 3.62.040, or 35.20.220 shall be used by that local  
9 jurisdiction exclusively for law enforcement. The court may also  
10 impose an additional penalty sufficient to reimburse the local  
11 jurisdiction for any costs it may have incurred in removal and storage  
12 of the improperly parked vehicle.

13 (9) It is a misdemeanor for any person to willfully obtain a  
14 special license plate or placard in a manner other than that  
15 established under this section.

16 **Sec. 2.** RCW 3.62.090 and 1986 c 98 s 4 are each amended to read as  
17 follows:

18 (1) There shall be assessed and collected in addition to any fines,  
19 forfeitures, or penalties assessed, other than for parking infractions  
20 not otherwise included under RCW 46.16.381(7), by all courts organized  
21 under Title 3 or 35 RCW a public safety and education assessment equal  
22 to sixty percent of such fines, forfeitures, or penalties, which shall  
23 be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW.  
24 The assessment required by this section shall not be suspended or  
25 waived by the court.

26 (2) There shall be assessed and collected in addition to any fines,  
27 forfeitures, or penalties assessed, other than for parking infractions  
28 not otherwise included under RCW 46.16.381(7) and for fines levied  
29 under RCW 46.61.515, and in addition to the public safety and education  
30 assessment required under subsection (1) of this section, by all courts  
31 organized under Title 3 or 35 RCW, an additional public safety and  
32 education assessment equal to fifty percent of the public safety and  
33 education assessment required under subsection (1) of this section,  
34 which shall be remitted to the state treasurer and deposited as  
35 provided in RCW 43.08.250. The additional assessment required by this  
36 subsection shall not be suspended or waived by the court.

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