

2 **2SSB 6190** - H COMM AMD **ADOPTED 3-5-98**

3 By Committee on Transportation Policy & Budget

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 46.16.381 and 1995 c 384 s 1 are each amended to read  
8 as follows:

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

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

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

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

19 (d) Uses portable oxygen;

20 (e) Is restricted by lung disease to such an extent that forced  
21 expiratory respiratory volume, when measured by spirometry is less than  
22 one liter per second or the arterial oxygen tension is less than sixty  
23 mm/hg on room air at rest;

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

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

32 (2) The applications for disabled parking permits and temporary  
33 disabled parking permits are official state documents. Knowingly  
34 providing false information in conjunction with the application is a  
35 gross misdemeanor punishable under chapter 9A.20 RCW. The following  
36 statement must appear on each application form immediately below the

1 physician's signature and immediately below the applicant's signature:  
2 "A disabled parking permit may be issued only for a medical necessity  
3 that severely affects mobility (RCW 46.16.381). Knowingly providing  
4 false information on this application is a gross misdemeanor. The  
5 penalty is up to one year in jail and a fine of up to \$5,000 or both."

6 (3) Those individuals who have one or both legs amputated and do  
7 not use a prosthetic device are exempt from the physician certification  
8 requirement necessary to receive special parking privileges. In order  
9 to qualify for special parking privileges, leg amputees must apply at  
10 a licensing office and the licensing office supervisor must visually  
11 confirm the amputation. Based on this confirmation, the certification  
12 of the person's disability is satisfied.

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

1 transportation authority, nursing home, boarding homes, senior citizen  
2 center, private nonprofit agency, or cabulance service if the vehicle  
3 is primarily used to transport persons with disabilities described in  
4 this section. Public transportation authorities, nursing homes,  
5 boarding homes, senior citizen centers, private nonprofit agencies, and  
6 cabulance services are responsible for insuring that the special  
7 placards and license plates are not used improperly and are responsible  
8 for all fines and penalties for improper use.

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

17 ~~((+4))~~ (6) The special license plate shall be renewed in the same  
18 manner and at the time required for the renewal of regular motor  
19 vehicle license plates under this chapter. No special license plate  
20 may be issued to a person who is temporarily disabled. A person who  
21 has a condition expected to improve within six months may be issued a  
22 temporary placard for a period not to exceed six months. ~~((The  
23 director may issue a second temporary placard during that period if  
24 requested by the person who is temporarily disabled.))~~ If the  
25 condition exists after six months a new temporary placard shall be  
26 issued upon receipt of a new certification from the disabled person's  
27 physician. The permanent parking placard and photo identification card  
28 of a disabled person shall be renewed(~~(, when)~~) at least every five  
29 years, as required by the director, by satisfactory proof of the right  
30 to continued use of the privileges. In the event of the permit  
31 holder's death, the parking placard and photo identification card must  
32 be immediately surrendered to the department. The department shall  
33 match and purge its disabled permit data base with available death  
34 record information at least every twelve months.

35 ~~((+5))~~ (7) Each person who has been issued a permanent disabled  
36 parking permit on or before July 1, 1998, must renew the permit no  
37 later than July 1, 2003, subject to a schedule to be set by the  
38 department, or the permit will expire.

1        (8) Additional fees shall not be charged for the issuance of the  
2 special placards or the photo identification cards. No additional fee  
3 may be charged for the issuance of the special license plates except  
4 the regular motor vehicle registration fee and any other fees and taxes  
5 required to be paid upon registration of a motor vehicle.

6        ~~((+6))~~ (9) Any unauthorized use of the special placard ~~((or the))~~,  
7 special license plate, or photo identification card is a  
8 ~~((misdemeanor))~~ traffic infraction with a monetary penalty of two  
9 hundred fifty dollars.

10        ~~((+7))~~ (10) It is a parking infraction, with a monetary penalty of  
11 one hundred seventy-five dollars for a person to make inaccessible the  
12 access aisle located next to a space reserved for physically disabled  
13 persons. The clerk of the court shall report all violations related to  
14 this subsection to the department.

15        (11) It is a parking infraction, with a monetary penalty of one  
16 hundred seventy-five dollars for any person to park a vehicle in a  
17 parking place provided on private property without charge or on public  
18 property reserved for physically disabled persons without a special  
19 license plate or placard. If a person is charged with a violation, the  
20 person shall not be determined to have committed an infraction if the  
21 person produces in court or before the court appearance the special  
22 license plate or placard required under this section. A local  
23 jurisdiction providing nonmetered, on-street parking places reserved  
24 for physically disabled persons may impose by ordinance time  
25 restrictions of no less than four hours on the use of these parking  
26 places. A local jurisdiction may impose by ordinance time restrictions  
27 of no less than four hours on the use of nonreserved, on-street parking  
28 spaces by vehicles displaying the special parking placards. All time  
29 restrictions must be clearly posted.

30        ~~((+8))~~ (12) The ~~((penalty))~~ penalties imposed under subsections  
31 ~~((+7))~~ (10) and (11) of this section shall be used by that local  
32 jurisdiction exclusively for law enforcement. The court may also  
33 impose an additional penalty sufficient to reimburse the local  
34 jurisdiction for any costs it may have incurred in removal and storage  
35 of the improperly parked vehicle.

36        ~~((+9))~~ (13) Except as provided by subsection (2) of this section,  
37 it is a ~~((misdemeanor))~~ traffic infraction with a monetary penalty of  
38 two hundred fifty dollars for any person ~~((to))~~ willfully to obtain a

1 special license plate ((or)), placard, or photo identification card in  
2 a manner other than that established under this section.

3 (14)(a) A law enforcement agency authorized to enforce parking laws  
4 may appoint volunteers to issue notices of infractions for violations  
5 of this section or RCW 46.61.581. Volunteers must be at least twenty-  
6 one years of age. The law enforcement agency appointing volunteers may  
7 establish any other qualifications the agency deems desirable.

8 (b) An agency appointing volunteers under this section must provide  
9 training to the volunteers before authorizing them to issue notices of  
10 infractions.

11 (c) A notice of infraction issued by a volunteer appointed under  
12 this subsection has the same force and effect as a notice of infraction  
13 issued by a police officer for the same offense.

14 (d) A police officer or a volunteer may request a person to show  
15 the person's photo identification card or special parking placard when  
16 investigating the possibility of a violation of this section. If the  
17 request is refused, the person in charge of the vehicle may be issued  
18 a notice of infraction for a violation of this section.

19 (e) A police officer or a volunteer may confiscate the special  
20 parking placard and photo identification card from a person who  
21 fraudulently obtains or uses the placard or photo identification card.

22 (15) For second or subsequent violations of this section, in  
23 addition to a monetary fine, the violator must complete a minimum of  
24 forty hours of:

25 (a) Community service for a nonprofit organization that serves the  
26 disabled community or persons having disabling diseases; or

27 (b) Any other community service that may sensitize the violator to  
28 the needs and obstacles faced by persons who have disabilities.

29 **Sec. 2.** RCW 46.61.581 and 1988 c 74 s 1 are each amended to read  
30 as follows:

31 A parking space or stall for a disabled person shall be indicated  
32 by a vertical sign, between thirty-six and eighty-four inches off the  
33 ground, with the international symbol of access, whose colors are white  
34 on a blue background, described under RCW 70.92.120 and the notice  
35 "State disabled parking permit required."

36 Failure of the person owning or controlling the property where  
37 required parking spaces are located to erect and maintain the sign is  
38 a class ((4)) 2 civil infraction under chapter 7.80 RCW for each

1 parking space that should be so designated. The person owning or  
2 controlling the property where the required parking spaces are located  
3 shall ensure that the parking spaces are not blocked or made  
4 inaccessible, and failure to do so is a class 2 civil infraction.

5 **Sec. 3.** RCW 46.63.020 and 1997 c 229 s 13 and 1997 c 66 s 8 are  
6 each reenacted and amended to read as follows:

7 Failure to perform any act required or the performance of any act  
8 prohibited by this title or an equivalent administrative regulation or  
9 local law, ordinance, regulation, or resolution relating to traffic  
10 including parking, standing, stopping, and pedestrian offenses, is  
11 designated as a traffic infraction and may not be classified as a  
12 criminal offense, except for an offense contained in the following  
13 provisions of this title or a violation of an equivalent administrative  
14 regulation or local law, ordinance, regulation, or resolution:

15 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
16 vehicle while under the influence of intoxicating liquor or a  
17 controlled substance;

18 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

19 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
20 while under the influence of intoxicating liquor or narcotics or  
21 habit-forming drugs or in a manner endangering the person of another;

22 (4) RCW 46.10.130 relating to the operation of snowmobiles;

23 (5) Chapter 46.12 RCW relating to certificates of ownership and  
24 registration and markings indicating that a vehicle has been destroyed  
25 or declared a total loss;

26 (6) RCW 46.16.010 relating to initial registration of motor  
27 vehicles;

28 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
29 drive;

30 (8) RCW 46.16.160 relating to vehicle trip permits;

31 (9) RCW 46.16.381 (~~((6) or (9))~~) (2) relating to (~~(unauthorized use~~  
32 ~~or acquisition of)~~) knowingly providing false information in  
33 conjunction with an application for a special placard or license plate  
34 for disabled persons' parking;

35 (10) RCW 46.20.005 relating to driving without a valid driver's  
36 license;

37 (11) RCW 46.20.091 relating to false statements regarding a  
38 driver's license or instruction permit;

1 (12) RCW 46.20.336 relating to the unlawful possession and use of  
2 a driver's license;

3 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
4 license or status;

5 (14) RCW 46.20.410 relating to the violation of restrictions of an  
6 occupational driver's license;

7 (15) RCW 46.20.420 relating to the operation of a motor vehicle  
8 with a suspended or revoked license;

9 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
10 an ignition interlock device in violation of a license notation that  
11 the device is required;

12 (17) RCW 46.20.750 relating to assisting another person to start a  
13 vehicle equipped with an ignition interlock device;

14 (18) RCW 46.25.170 relating to commercial driver's licenses;

15 (19) Chapter 46.29 RCW relating to financial responsibility;

16 (20) RCW 46.30.040 relating to providing false evidence of  
17 financial responsibility;

18 (21) RCW 46.37.435 relating to wrongful installation of  
19 sunscreening material;

20 (22) RCW 46.44.180 relating to operation of mobile home pilot  
21 vehicles;

22 (23) RCW 46.48.175 relating to the transportation of dangerous  
23 articles;

24 (24) RCW 46.52.010 relating to duty on striking an unattended car  
25 or other property;

26 (25) RCW 46.52.020 relating to duty in case of injury to or death  
27 of a person or damage to an attended vehicle;

28 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,  
29 and appraisers;

30 (27) RCW 46.52.100 relating to driving under the influence of  
31 liquor or drugs;

32 (28) RCW 46.52.130 relating to confidentiality of the driving  
33 record to be furnished to an insurance company, an employer, and an  
34 alcohol/drug assessment or treatment agency;

35 (29) RCW 46.55.020 relating to engaging in the activities of a  
36 registered tow truck operator without a registration certificate;

37 (30) RCW 46.55.035 relating to prohibited practices by tow truck  
38 operators;

1 (31) RCW 46.61.015 relating to obedience to police officers,  
2 flagmen, or fire fighters;  
3 (32) RCW 46.61.020 relating to refusal to give information to or  
4 cooperate with an officer;  
5 (33) RCW 46.61.022 relating to failure to stop and give  
6 identification to an officer;  
7 (34) RCW 46.61.024 relating to attempting to elude pursuing police  
8 vehicles;  
9 (35) RCW 46.61.500 relating to reckless driving;  
10 (36) RCW 46.61.502 and 46.61.504 relating to persons under the  
11 influence of intoxicating liquor or drugs;  
12 (37) RCW 46.61.503 relating to a person under age twenty-one  
13 driving a motor vehicle after consuming alcohol;  
14 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
15 (39) RCW 46.61.522 relating to vehicular assault;  
16 (40) RCW 46.61.5249 relating to first degree negligent driving;  
17 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway  
18 workers;  
19 (42) RCW 46.61.530 relating to racing of vehicles on highways;  
20 (43) RCW 46.61.685 relating to leaving children in an unattended  
21 vehicle with the motor running;  
22 (44) RCW 46.64.010 relating to unlawful cancellation of or attempt  
23 to cancel a traffic citation;  
24 (45) RCW 46.64.048 relating to attempting, aiding, abetting,  
25 coercing, and committing crimes;  
26 (46) Chapter 46.65 RCW relating to habitual traffic offenders;  
27 (47) RCW 46.68.010 relating to false statements made to obtain a  
28 refund;  
29 (48) Chapter 46.70 RCW relating to unfair motor vehicle business  
30 practices, except where that chapter provides for the assessment of  
31 monetary penalties of a civil nature;  
32 (49) Chapter 46.72 RCW relating to the transportation of passengers  
33 in for hire vehicles;  
34 (50) RCW 46.72A.060 relating to limousine carrier insurance;  
35 (51) RCW 46.72A.070 relating to operation of a limousine without a  
36 vehicle certificate;  
37 (52) RCW 46.72A.080 relating to false advertising by a limousine  
38 carrier;  
39 (53) Chapter 46.80 RCW relating to motor vehicle wreckers;



1           (54) Chapter 46.82 RCW relating to driver's training schools;  
2           (55) RCW 46.87.260 relating to alteration or forgery of a cab card,  
3 letter of authority, or other temporary authority issued under chapter  
4 46.87 RCW;  
5           (56) RCW 46.87.290 relating to operation of an unregistered or  
6 unlicensed vehicle under chapter 46.87 RCW."

7           Correct the title.

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