

# SENATE BILL REPORT

## 2SSB 6190

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As Passed Senate, February 16, 1998

**Title:** An act relating to special parking privileges for disabled persons.

**Brief Description:** Strengthening laws on disabled persons' parking permits.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Oke, Goings, Bauer, Haugen, Wood and Fraser).

**Brief History:**

**Committee Activity:** Law & Justice: 1/29/98, 2/4/98 [DPS-TRAN].

Transportation: 2/9/98 [DP2S].

Passed Senate, 2/16/98, 49-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation.

Signed by Senators Roach, Chair; Fairley, Hargrove, Kline, Long, McCaslin, Stevens, Thibaudeau and Zarelli.

**Staff:** Dick Armstrong (786-7460)

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Second Substitute Senate Bill No. 6190 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

**Staff:** Reema Shawa (786-7301)

**Background:** The disabled parking placard was created to respond to the unique needs of individuals with disabilities that limit or impair their ability to walk. When the parking placard is displayed on a vehicle's rearview mirror, the vehicle is entitled to free, unlimited on-street parking and may be parked in spaces reserved for permit holders. Because the placard has no identification qualities which would link it to the legal permit holder, the fraudulent use of disabled parking placards may be quite widespread particularly in urban areas where parking places are scarce and expensive.

Due to other law enforcement priorities, violations of the disabled parking statutes are not strictly enforced. Additionally, the penalty for fraudulent obtainment or misuse of a parking placard is only a misdemeanor which may lessen the incentive for those in the criminal justice system to actively pursue such violators.

It has been suggested that the disabled parking statutes need to be rewritten to provide greater permit identification, stricter issuance and renewal procedures, revised penalties, and more options for local government enforcement.

**Summary of Bill:** Each permit holder receives a parking placard and an identification card bearing the picture, name and date of birth of the permit holder, as well as the placard's serial number.

Permanent permit holders are required to submit a written request to receive an additional parking placard. Temporary permit holders are not eligible to receive additional placards. For permanent permits, a five-year maximum permit renewal cycle is required. The Department of Licensing is required to verify the status of permit holders by matching their disabled permit database with available death record information. Based on the results, the database will be purged of all permits belonging to deceased permit holders.

Unauthorized use of a parking placard, license plate or picture identification card is a traffic infraction with a monetary penalty of \$250. Obtaining a parking placard, license plate or identification card in a manner other than that established under law is a traffic infraction with a monetary penalty of \$250. Blocking the access isle located adjacent to a space reserved for physically disabled persons is a parking infraction with a monetary penalty of \$250. The fine for parking in a disabled parking place is increased to \$250. Second or subsequent violations of disabled parking laws carries the additional penalty of serving a minimum of 40 hours of community service. Failure of a property owner to sign and/or maintain parking spaces reserved for physically disabled persons is a class 2 civil infraction. Failure to ensure that the parking spaces are accessible is a class 2 civil infraction as well. Knowingly providing false information on a disabled parking permit application is a gross misdemeanor with a penalty of up to one year in jail and a fine of up to \$5,000 or both. The court may not suspend more than one half of the amount of most fines.

Local law enforcement agencies are authorized to commission volunteers to issue notices of infractions for violations of disabled parking laws. Police may confiscate the placards of persons who violate the statute. Local jurisdictions are authorized to impose, by ordinance, time restrictions of no less than four hours on the use of on-street parking spots by vehicles displaying a parking placard. A minimum time limit standard for the use of on-street parking spaces reserved for physically disabled persons is set at four hours. It is required that all time restrictions be clearly posted.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For (Law & Justice):** A lot of work has gone into the bill. The bill will make for a better system of allowing for persons with disabilities to use existing parking places. It will eliminate fraud and deception by persons who are not eligible for a placard. The use of volunteers will allow for better enforcement of the disabled parking statute. The identification card will hopefully eliminate much of the fraud by non-disabled persons. In some jurisdictions, it is estimated that the fraud rate approximates 50 percent.

**Testimony Against (Law & Justice):** None.

**Testified (Law & Justice):** Senator Oke, prime sponsor, and over 20 persons representing the disabled community, veterans, and law enforcement.

**Testimony For (Transportation):** This is a strong piece of legislation which will help to ensure that the parking placards are used legitimately. Urged the passage of the bill.

**Testimony Against (Transportation):** None.

**Testified (Transportation):** PRO: Senator Oke, prime sponsor; Toby Olson, Governor's Committee on Disability; Cherie Tessier, People First of Washington.

**House Amendment(s):** Language is added to exempt leg amputees from having to obtain a physician's certification in order to be eligible for a disabled parking permit. The fine for parking in a reserved disabled parking space is decreased from \$250 to \$175. The fine for making inaccessible the access aisle located next to a reserved disabled parking place is decreased from \$250 to \$175. Language prohibiting the courts from suspending fines by more than one-half is removed. Volunteers are appointed,– as opposed to commissioned,– and volunteer enforcement teams are authorized to confiscate the disabled parking permit documents from violators.