
SENATE BILL 5244

State of Washington

55th Legislature

1997 Regular Session

By Senators Oke, Fairley, Winsley, Deccio, Prince, Horn, Benton, Swecker, Finkbeiner, Sellar, McDonald and McAuliffe

Read first time 01/20/97. Referred to Committee on Law & Justice.

1 AN ACT Relating to disabled persons' parking permits; and amending
2 RCW 46.16.381.

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

4 **Sec. 1.** RCW 46.16.381 and 1995 c 384 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, private nonprofit agencies as defined in chapter 24.03
30 RCW, and vehicles registered with the department as cabulances that
31 regularly transport disabled persons who have been determined eligible
32 for special parking privileges provided under this section. The
33 director may issue special license plates for a vehicle registered in
34 the name of the public transportation authority, nursing home, boarding
35 homes, senior citizen center, private nonprofit agency, or cabulance
36 service if the vehicle is primarily used to transport persons with
37 disabilities described in this section. Public transportation
38 authorities, nursing homes, boarding homes, senior citizen centers,
39 private nonprofit agencies, and cabulance services are responsible for

1 insuring that the special placards and license plates are not used
2 improperly and are responsible for all fines and penalties for improper
3 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 parking infraction, with a monetary penalty of one
33 hundred 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 the parking of the vehicle is witnessed
37 by a police officer or other person authorized to issue a citation for
38 the offense, the operator of the vehicle is in violation of this
39 section. If a person is charged with a violation, the person shall not

1 be determined to have committed an infraction if the person produces in
2 court or before the court appearance the special license plate or
3 placard required under this section. A local jurisdiction providing
4 on-street parking places reserved for physically disabled persons may
5 impose by ordinance time restrictions on the use of these parking
6 places.

7 (8) The penalty imposed under subsection (7) of this section shall
8 be used by that local jurisdiction exclusively for law enforcement.
9 The court may also impose an additional penalty sufficient to reimburse
10 the local jurisdiction for any costs it may have incurred in removal
11 and storage of the improperly parked vehicle.

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

15 (10)(a) A law enforcement agency authorized to enforce parking laws
16 may appoint volunteers to issue citations for violations of this
17 section. Volunteers must be at least twenty-one years of age. The law
18 enforcement agency appointing volunteers may establish any other
19 qualifications the agency deems desirable.

20 (b) An agency appointing volunteers under this subsection must
21 provide training to the volunteers before authorizing them to issue
22 citations.

23 (c) A citation issued by a volunteer appointed under this
24 subsection has the same force and effect as a citation issued by a
25 police officer for the same offense.

--- END ---