
HOUSE BILL 1376

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By Representatives G. Chandler, Fisher, Mitchell, K. Schmidt, Romero, Mielke, Skinner, Scott, O'Brien, Wood and Mulliken

Read first time 01/22/1999. Referred to Committee on Transportation.

1 AN ACT Relating to special parking privileges for leg amputees; and
2 amending RCW 46.16.381.

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

4 **Sec. 1.** RCW 46.16.381 and 1998 c 294 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) The applications for disabled parking permits and temporary
12 disabled parking permits are official state documents. Knowingly
13 providing false information in conjunction with the application is a
14 gross misdemeanor punishable under chapter 9A.20 RCW. The following
15 statement must appear on each application form immediately below the
16 physician's signature and immediately below the applicant's signature:
17 "A disabled parking permit may be issued only for a medical necessity
18 that severely affects mobility (RCW 46.16.381). Knowingly providing
19 false information on this application is a gross misdemeanor. The
20 penalty is up to one year in jail and a fine of up to \$5,000 or both."

21 (3) Those individuals who have one or both legs amputated and do
22 not use a prosthetic device are exempt from the physician certification
23 requirement necessary to receive special parking privileges. In order
24 to qualify for special parking privileges, leg amputees must apply at
25 a licensing office, and the licensing office supervisor must visually
26 confirm the amputation. Based on this confirmation, the certification
27 of the person's disability is satisfied. All leg amputees who are
28 existing permit holders on the effective date of this act, including
29 those who employ the use of a prosthetic device are exempt from all
30 recertification processes required by the department.

31 (4) Persons who qualify for special parking privileges are entitled
32 to receive from the department of licensing a removable windshield
33 placard bearing the international symbol of access and an individual
34 serial number, along with a special identification card bearing the
35 photograph, name, and date of birth of the person to whom the placard
36 is issued, and the placard's serial number. The department shall
37 design the placard to be displayed when the vehicle is parked by
38 suspending it from the rearview mirror, or in the absence of a rearview
39 mirror the card may be displayed on the dashboard of any vehicle used

1 to transport the disabled person. Instead of regular motor vehicle
2 license plates, disabled persons are entitled to receive special
3 license plates bearing the international symbol of access for one
4 vehicle registered in the disabled person's name. Disabled persons who
5 are not issued the special license plates are entitled to receive a
6 second special placard upon submitting a written request to the
7 department. Persons who have been issued the parking privileges and
8 who are using a vehicle or are riding in a vehicle displaying the
9 special license plates or placard may park in places reserved for
10 mobility disabled persons. The director shall adopt rules providing
11 for the issuance of special placards and license plates to public
12 transportation authorities, nursing homes licensed under chapter 18.51
13 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen
14 centers, private nonprofit agencies as defined in chapter 24.03 RCW,
15 and vehicles registered with the department as cabulances that
16 regularly transport disabled persons who have been determined eligible
17 for special parking privileges provided under this section. The
18 director may issue special license plates for a vehicle registered in
19 the name of the public transportation authority, nursing home, boarding
20 homes, senior citizen center, private nonprofit agency, or cabulance
21 service if the vehicle is primarily used to transport persons with
22 disabilities described in this section. Public transportation
23 authorities, nursing homes, boarding homes, senior citizen centers,
24 private nonprofit agencies, and cabulance services are responsible for
25 insuring that the special placards and license plates are not used
26 improperly and are responsible for all fines and penalties for improper
27 use.

28 ~~((+4))~~ (5) Whenever the disabled person transfers or assigns his
29 or her interest in the vehicle, the special license plates shall be
30 removed from the motor vehicle. If another vehicle is acquired by the
31 disabled person and the vehicle owner qualifies for a special plate,
32 the plate shall be attached to the vehicle, and the director shall be
33 immediately notified of the transfer of the plate. If another vehicle
34 is not acquired by the disabled person, the removed plate shall be
35 immediately surrendered to the director.

36 ~~((+5))~~ (6) The special license plate shall be renewed in the same
37 manner and at the time required for the renewal of regular motor
38 vehicle license plates under this chapter. No special license plate
39 may be issued to a person who is temporarily disabled. A person who

1 has a condition expected to improve within six months may be issued a
2 temporary placard for a period not to exceed six months. If the
3 condition exists after six months a new temporary placard shall be
4 issued upon receipt of a new certification from the disabled person's
5 physician. The permanent parking placard and photo identification card
6 of a disabled person shall be renewed at least every five years, as
7 required by the director, by satisfactory proof of the right to
8 continued use of the privileges. In the event of the permit holder's
9 death, the parking placard and photo identification card must be
10 immediately surrendered to the department. The department shall match
11 and purge its disabled permit data base with available death record
12 information at least every twelve months.

13 ~~((+6))~~ (7) Each person who has been issued a permanent disabled
14 parking permit on or before July 1, 1998, must renew the permit no
15 later than July 1, 2003, subject to a schedule to be set by the
16 department, or the permit will expire.

17 ~~((+7))~~ (8) Additional fees shall not be charged for the issuance
18 of the special placards or the photo identification cards. No
19 additional fee may be charged for the issuance of the special license
20 plates except the regular motor vehicle registration fee and any other
21 fees and taxes required to be paid upon registration of a motor
22 vehicle.

23 ~~((+8))~~ (9) Any unauthorized use of the special placard, special
24 license plate, or photo identification card is a traffic infraction
25 with a monetary penalty of two hundred fifty dollars.

26 ~~((+9))~~ (10) It is a parking infraction, with a monetary penalty of
27 two hundred fifty dollars for a person to make inaccessible the access
28 aisle located next to a space reserved for physically disabled persons.
29 The clerk of the court shall report all violations related to this
30 subsection to the department.

31 ~~((+10))~~ (11) It is a parking infraction, with a monetary penalty
32 of two hundred fifty dollars for any person to park a vehicle in a
33 parking place provided on private property without charge or on public
34 property reserved for physically disabled persons without a special
35 license plate or placard. If a person is charged with a violation, the
36 person shall not be determined to have committed an infraction if the
37 person produces in court or before the court appearance the special
38 license plate or placard required under this section. A local
39 jurisdiction providing nonmetered, on-street parking places reserved

1 for physically disabled persons may impose by ordinance time
2 restrictions of no less than four hours on the use of these parking
3 places. A local jurisdiction may impose by ordinance time restrictions
4 of no less than four hours on the use of nonreserved, on-street parking
5 spaces by vehicles displaying the special parking placards. All time
6 restrictions must be clearly posted.

7 ~~((11))~~ (12) The penalties imposed under subsections ~~((9) and)~~
8 (10) and (11) of this section shall be used by that local jurisdiction
9 exclusively for law enforcement. The court may also impose an
10 additional penalty sufficient to reimburse the local jurisdiction for
11 any costs it may have incurred in removal and storage of the improperly
12 parked vehicle.

13 ~~((12))~~ (13) Except as provided by subsection (2) of this section,
14 it is a traffic infraction with a monetary penalty of two hundred fifty
15 dollars for any person willfully to obtain a special license plate,
16 placard, or photo identification card in a manner other than that
17 established under this section.

18 ~~((13))~~ (14)(a) A law enforcement agency authorized to enforce
19 parking laws may appoint volunteers, with a limited commission, to
20 issue notices of infractions for violations of this section or RCW
21 46.61.581. Volunteers must be at least twenty-one years of age. The
22 law enforcement agency appointing volunteers may establish any other
23 qualifications the agency deems desirable.

24 (b) An agency appointing volunteers under this section must provide
25 training to the volunteers before authorizing them to issue notices of
26 infractions.

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

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

35 ~~((14))~~ (15) For second or subsequent violations of this section,
36 in addition to a monetary fine, the violator must complete a minimum of
37 forty hours of:

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

1 (b) Any other community service that may sensitize the violator to
2 the needs and obstacles faced by persons who have disabilities.
3 ~~((+15+))~~ (16) The court may not suspend more than one-half of any
4 fine imposed under subsection ~~((+8+))~~ (9), (10), (11), or ~~((+12+))~~
5 (13) of this section.

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