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HOUSE BILL 1379

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State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Clements and Skinner

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

1            AN ACT Relating to qualifications for special parking privileges;  
2 and 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) Is fifty-five years of age or older and is legally blind,  
8 thereby increasing the person's vulnerability and compromising the  
9 person's safety; or

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

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

24 (3) Persons who qualify for special parking privileges are entitled  
25 to receive from the department of licensing a removable windshield  
26 placard bearing the international symbol of access and an individual  
27 serial number, along with a special identification card bearing the  
28 photograph, name, and date of birth of the person to whom the placard  
29 is issued, and the placard's serial number. The department shall  
30 design the placard to be displayed when the vehicle is parked by  
31 suspending it from the rearview mirror, or in the absence of a rearview  
32 mirror the card may be displayed on the dashboard of any vehicle used  
33 to transport the disabled person. Instead of regular motor vehicle  
34 license plates, disabled persons are entitled to receive special  
35 license plates bearing the international symbol of access for one  
36 vehicle registered in the disabled person's name. Disabled persons who  
37 are not issued the special license plates are entitled to receive a  
38 second special placard upon submitting a written request to the  
39 department. Persons who have been issued the parking privileges and

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

21 (4) Whenever the disabled person transfers or assigns his or her  
22 interest in the vehicle, the special license plates shall be removed  
23 from the motor vehicle. If another vehicle is acquired by the disabled  
24 person and the vehicle owner qualifies for a special plate, the plate  
25 shall be attached to the vehicle, and the director shall be immediately  
26 notified of the transfer of the plate. If another vehicle is not  
27 acquired by the disabled person, the removed plate shall be immediately  
28 surrendered to the director.

29 (5) The special license plate shall be renewed in the same manner  
30 and at the time required for the renewal of regular motor vehicle  
31 license plates under this chapter. No special license plate may be  
32 issued to a person who is temporarily disabled. A person who has a  
33 condition expected to improve within six months may be issued a  
34 temporary placard for a period not to exceed six months. If the  
35 condition exists after six months a new temporary placard shall be  
36 issued upon receipt of a new certification from the disabled person's  
37 physician. The permanent parking placard and photo identification card  
38 of a disabled person shall be renewed at least every five years, as  
39 required by the director, by satisfactory proof of the right to

1 continued use of the privileges. In the event of the permit holder's  
2 death, the parking placard and photo identification card must be  
3 immediately surrendered to the department. The department shall match  
4 and purge its disabled permit data base with available death record  
5 information at least every twelve months.

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

10 (7) Additional fees shall not be charged for the issuance of the  
11 special placards or the photo identification cards. No additional fee  
12 may be charged for the issuance of the special license plates except  
13 the regular motor vehicle registration fee and any other fees and taxes  
14 required to be paid upon registration of a motor vehicle.

15 (8) Any unauthorized use of the special placard, special license  
16 plate, or photo identification card is a traffic infraction with a  
17 monetary penalty of two hundred fifty dollars.

18 (9) It is a parking infraction, with a monetary penalty of two  
19 hundred fifty dollars for a person to make inaccessible the access  
20 aisle located next to a space reserved for physically disabled persons.  
21 The clerk of the court shall report all violations related to this  
22 subsection to the department.

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

38 (11) The penalties imposed under subsections (9) and (10) of this  
39 section shall be used by that local jurisdiction exclusively for law

1 enforcement. The court may also impose an additional penalty  
2 sufficient to reimburse the local jurisdiction for any costs it may  
3 have incurred in removal and storage of the improperly parked vehicle.

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

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

15 (b) An agency appointing volunteers under this section must provide  
16 training to the volunteers before authorizing them to issue notices of  
17 infractions.

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

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

26 (14) For second or subsequent violations of this section, in  
27 addition to a monetary fine, the violator must complete a minimum of  
28 forty hours of:

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

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

33 (15) The court may not suspend more than one-half of any fine  
34 imposed under subsection (8), (9), (10), or (12) of this section.

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