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HOUSE BILL 2259

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State of Washington                      57th Legislature 2001 First Special Session

By Representatives Rockefeller, Eickmeyer, Lantz, Jackley and Haigh

Read first time . Referred to Committee on .

1            AN ACT Relating to clarifying that a court may not suspend more  
2 than one-half of a fine that is imposed on violators of disabled  
3 parking or disabled parking permits; and amending RCW 46.16.381.

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

5            **Sec. 1.** RCW 46.16.381 and 2001 c 67 s 1 are each amended to read  
6 as follows:

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

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

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

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

17            (d) Uses portable oxygen;

18            (e) Is restricted by lung disease to such an extent that forced  
19 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) Persons who qualify for special parking privileges are entitled  
22 to receive from the department of licensing a removable windshield  
23 placard bearing the international symbol of access and an individual  
24 serial number, along with a special identification card bearing the  
25 name and date of birth of the person to whom the placard is issued, and  
26 the placard's serial number. The special identification card shall be  
27 issued no later than January 1, 2000, to all persons who are issued  
28 parking placards, including those issued for temporary disabilities,  
29 and special disabled parking license plates. 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 identification card of a  
38 disabled person shall be renewed at least every five years, as required  
39 by the director, by satisfactory proof of the right to continued use of

1 the privileges. In the event of the permit holder's death, the parking  
2 placard and identification card must be immediately surrendered to the  
3 department. The department shall match and purge its disabled permit  
4 data base with available death record information at least every twelve  
5 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 identification cards. No additional fee may be  
12 charged for the issuance of the special license plates except the  
13 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 identification card is a traffic infraction with a monetary  
17 penalty of two hundred fifty dollars. The court may not suspend more  
18 than one-half of any fine imposed under this subsection.

19 (9) It is a parking infraction, with a monetary penalty of two  
20 hundred fifty dollars for a person to make inaccessible the access  
21 aisle located next to a space reserved for physically disabled persons.  
22 The clerk of the court shall report all violations related to this  
23 subsection to the department. The court may not suspend more than one-  
24 half of any fine imposed under this subsection.

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

1 restrictions must be clearly posted. The court may not suspend more  
2 than one-half of any fine imposed under this subsection.

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

8 (12) Except as provided by subsection (2) of this section, it is a  
9 traffic infraction with a monetary penalty of two hundred fifty dollars  
10 for any person willfully to obtain a special license plate, placard, or  
11 identification card in a manner other than that established under this  
12 section. The court may not suspend more than one-half of any fine  
13 imposed under this subsection.

14 (13)(a) A law enforcement agency authorized to enforce parking laws  
15 may appoint volunteers, with a limited commission, to issue notices of  
16 infractions for violations of this section or RCW 46.61.581.  
17 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 section must provide  
21 training to the volunteers before authorizing them to issue notices of  
22 infractions.

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

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

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

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

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

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

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