
SUBSTITUTE SENATE BILL 5795

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Deccio, Fairley, Costa and Prentice)

READ FIRST TIME 02/21/01.

1 AN ACT Relating to determination of disability for special parking
2 privileges by advanced registered nurse practitioners; and amending RCW
3 46.16.381.

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

5 **Sec. 1.** RCW 46.16.381 and 1999 c 136 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 or an advanced registered nurse practitioner licensed under
11 chapter 18.79 RCW:

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

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

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

18 (d) Uses portable oxygen;

1 (e) Is restricted by lung disease to such an extent that forced
2 expiratory respiratory volume, when measured by spirometry is less than
3 one liter per second or the arterial oxygen tension is less than sixty
4 mm/hg on room air at rest;

5 (f) Impairment by cardiovascular disease or cardiac condition to
6 the extent that the person's functional limitations are classified as
7 class III or IV under standards accepted by the American Heart
8 Association; or

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

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

23 (3) Persons who qualify for special parking privileges are entitled
24 to receive from the department of licensing a removable windshield
25 placard bearing the international symbol of access and an individual
26 serial number, along with a special identification card bearing the
27 name and date of birth of the person to whom the placard is issued, and
28 the placard's serial number. The special identification card shall be
29 issued no later than January 1, 2000, to all persons who are issued
30 parking placards, including those issued for temporary disabilities,
31 and special disabled parking license plates. By July 1, 2001, the
32 department shall incorporate a photograph of the holder of the disabled
33 parking permit into all special identification cards issued after that
34 date. The department, in conjunction with the governor's committee on
35 disability issues and employment, shall assess options for issuing a
36 photo identification card to each person who qualifies for a permanent
37 parking placard, a temporary parking placard, or a special disabled
38 parking license plate and report findings to the legislative
39 transportation committee no later than December 31, 2000. The

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

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

1 (5) The special license plate shall be renewed in the same manner
2 and at the time required for the renewal of regular motor vehicle
3 license plates under this chapter. No special license plate may be
4 issued to a person who is temporarily disabled. A person who has a
5 condition expected to improve within six months may be issued a
6 temporary placard for a period not to exceed six months. If the
7 condition exists after six months a new temporary placard shall be
8 issued upon receipt of a new certification from the disabled person's
9 physician. The permanent parking placard and identification card of a
10 disabled person shall be renewed at least every five years, as required
11 by the director, by satisfactory proof of the right to continued use of
12 the privileges. In the event of the permit holder's death, the parking
13 placard and identification card must be immediately surrendered to the
14 department. The department shall match and purge its disabled permit
15 data base with available death record information at least every twelve
16 months.

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

21 (7) Additional fees shall not be charged for the issuance of the
22 special placards or the identification cards. No additional fee may be
23 charged for the issuance of the special license plates except the
24 regular motor vehicle registration fee and any other fees and taxes
25 required to be paid upon registration of a motor vehicle.

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

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

34 (10) It is a parking infraction, with a monetary penalty of two
35 hundred fifty dollars for any person to park a vehicle in a parking
36 place provided on private property without charge or on public property
37 reserved for physically disabled persons without a special license
38 plate or placard. If a person is charged with a violation, the person
39 shall not be determined to have committed an infraction if the person

1 produces in court or before the court appearance the special license
2 plate or placard required under this section. A local jurisdiction
3 providing nonmetered, on-street parking places reserved for physically
4 disabled persons may impose by ordinance time restrictions of no less
5 than four hours on the use of these parking places. A local
6 jurisdiction may impose by ordinance time restrictions of no less than
7 four hours on the use of nonreserved, on-street parking spaces by
8 vehicles displaying the special parking placards. All time
9 restrictions must be clearly posted.

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

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

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

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

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

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

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

1 (a) Community service for a nonprofit organization that serves the
2 disabled community or persons having disabling diseases; or
3 (b) Any other community service that may sensitize the violator to
4 the needs and obstacles faced by persons who have disabilities.
5 (15) The court may not suspend more than one-half of any fine
6 imposed under subsection (8), (9), (10), or (12) of this section.

--- END ---