

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1655

58th Legislature
2003 Regular Session

Passed by the House March 14, 2003
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 17, 2003
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1655** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1655

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Clibborn, Ericksen, Murray, Cooper, Morrell, Simpson, Armstrong, Rockefeller, Jarrett, Schindler, Mielke, Anderson, Wallace, Nixon, Shabro and Schual-Berke)

READ FIRST TIME 3/10/03.

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 2002 c 175 s 33 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 or advanced registered nurse practitioner of the
12 applicant shall document that the disability is comparable in severity
13 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 or advanced registered nurse practitioner's signature and
20 immediately below the applicant's signature: "A disabled parking
21 permit may be issued only for a medical necessity that severely affects
22 mobility (RCW 46.16.381). Knowingly providing false information on
23 this application is a gross misdemeanor. The penalty is up to one year
24 in jail and a fine of up to \$5,000 or both."

25 (3) Persons who qualify for special parking privileges are entitled
26 to receive from the department of licensing a removable windshield
27 placard bearing the international symbol of access and an individual
28 serial number, along with a special identification card bearing the
29 name and date of birth of the person to whom the placard is issued, and
30 the placard's serial number. The special identification card shall be
31 issued no later than January 1, 2000, to all persons who are issued
32 parking placards, including those issued for temporary disabilities,
33 and special disabled parking license plates. The department shall
34 design the placard to be displayed when the vehicle is parked by
35 suspending it from the rearview mirror, or in the absence of a rearview
36 mirror the card may be displayed on the dashboard of any vehicle used
37 to transport the disabled person. Instead of regular motor vehicle
38 license plates, disabled persons are entitled to receive special

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

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

34 (5) The special license plate shall be renewed in the same manner
35 and at the time required for the renewal of regular motor vehicle
36 license plates under this chapter. No special license plate may be
37 issued to a person who is temporarily disabled. A person who has a
38 condition expected to improve within six months may be issued a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (a) Community restitution for a nonprofit organization that serves
37 the disabled community or persons having disabling diseases; or

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

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