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SENATE BILL 5460

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State of Washington

58th Legislature

2003 Regular Session

By Senators Mulliken, Haugen, Horn and Kohl-Welles

Read first time 01/27/2003. Referred to Committee on Health & Long-Term Care.

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 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. The department shall  
32 design the placard to be displayed when the vehicle is parked by  
33 suspending it from the rearview mirror, or in the absence of a rearview  
34 mirror the card may be displayed on the dashboard of any vehicle used  
35 to transport the disabled person. Instead of regular motor vehicle  
36 license plates, disabled persons are entitled to receive special  
37 license plates bearing the international symbol of access for one  
38 vehicle registered in the disabled person's name. Disabled persons who

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

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

32 (5) The special license plate shall be renewed in the same manner  
33 and at the time required for the renewal of regular motor vehicle  
34 license plates under this chapter. No special license plate may be  
35 issued to a person who is temporarily disabled. A person who has a  
36 condition expected to improve within six months may be issued a  
37 temporary placard for a period not to exceed six months. If the  
38 condition exists after six months a new temporary placard shall be

1 issued upon receipt of a new certification from the disabled person's  
2 physician. The permanent parking placard and identification card of a  
3 disabled person shall be renewed at least every five years, as required  
4 by the director, by satisfactory proof of the right to continued use of  
5 the privileges. In the event of the permit holder's death, the parking  
6 placard and identification card must be immediately surrendered to the  
7 department. The department shall match and purge its disabled permit  
8 data base with available death record information at least every twelve  
9 months.

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

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

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

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

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

1 four hours on the use of nonreserved, on-street parking spaces by  
2 vehicles displaying the special parking placards. All time  
3 restrictions must be clearly posted.

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

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

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 restitution for a nonprofit organization that serves  
35 the disabled community or persons having disabling diseases; or

36 (b) Any other community restitution that may sensitize the violator  
37 to 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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