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SENATE BILL 6365

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State of Washington

58th Legislature

2004 Regular Session

By Senators Haugen and Horn

Read first time 01/19/2004. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to special license plates; amending RCW 46.16.381;  
2 adding new sections to chapter 46.16 RCW; and providing an effective  
3 date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.16 RCW  
6 to read as follows:

7 (1) The following special license plate series created by the  
8 legislature may be personalized: (a) RCW 46.16.301; (b) RCW 46.16.305,  
9 except those plates issued under RCW 46.16.305(1); (c) RCW 46.16.324;  
10 (d) RCW 46.16.585; or (e) RCW 46.16.745.

11 (2) Personalized special plates issued under this section may only  
12 be personalized by using numbers or letters, or any combination thereof  
13 not exceeding seven positions, including the special plate identifier  
14 position holders, and not less than one position, to the extent that  
15 there are no conflicts with existing license plate series. A  
16 personalized special license plate is subject to the same requirements  
17 as personalized license plates issued on the standard background as  
18 listed in RCW 46.16.575, 46.16.580, 46.16.590, 46.16.595, and  
19 46.16.600.

1 (3) In addition to any other fees and taxes due at the time of  
2 registration, applicants for a personalized special license plate must  
3 pay both the fees and taxes required to be paid upon registration or  
4 renewal of the special plate as set out in the statute creating the  
5 special plate and the personalized plate as required in RCW 46.16.585  
6 and 46.16.606. The special plate fee must be distributed in accordance  
7 with the requirements set out in the statute creating the special  
8 plate. The personalized plate fee must be distributed under RCW  
9 46.16.585 and 46.16.606.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.16 RCW  
11 to read as follows:

12 (1) The department shall design and issue disabled parking emblem  
13 versions of special license plates issued under RCW 46.16.305,  
14 46.16.324, 46.16.301, 46.16.745, or 46.16.585. The disabled parking  
15 emblem version of the special plate must display the universal symbol  
16 of access that may be used in lieu of the parking placard issued to  
17 persons who qualify for special parking privileges under RCW 46.16.381.  
18 The department may not charge an additional fee for the issuance of the  
19 special disabled parking emblem license plate, except the regular motor  
20 vehicle registration fee, the fee associated with the particular  
21 special plate, and any other fees and taxes required to be paid upon  
22 registration of a motor vehicle. The emblem must be incorporated into  
23 the design of the special license plate in a manner to be determined by  
24 the department, and under existing vehicular licensing procedures and  
25 existing laws.

26 (2) Persons who qualify for special parking privileges under RCW  
27 46.16.381, and who have applied and paid the appropriate fee for a  
28 special license plate issued under RCW 46.16.305, 46.16.324, 46.16.301,  
29 or 46.16.745, are entitled to receive from the department a special  
30 disabled parking emblem license plate. The special disabled parking  
31 emblem license plate may be used for one vehicle registered in the  
32 disabled person's name. Persons who have been issued the parking  
33 privileges or who are using a vehicle displaying the special disabled  
34 parking emblem license plate may park in places reserved for mobility  
35 disabled persons.

36 (3) The special disabled parking emblem license plate must be

1 administered in the same manner as the plates issued under RCW  
2 46.16.381.

3 (4) The department shall adopt rules to implement this section.

4 **Sec. 3.** RCW 46.16.381 and 2003 c 371 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 or an advanced registered nurse practitioner licensed under  
10 chapter 18.79 RCW:

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  
20 one liter per second or the arterial oxygen tension is less than sixty  
21 mm/hg on room air at rest;

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

26 (g) Has a disability resulting from an acute sensitivity to  
27 automobile emissions which limits or impairs the ability to walk. The  
28 personal physician or advanced registered nurse practitioner of the  
29 applicant shall document that the disability is comparable in severity  
30 to the others listed in this subsection.

31 (2) The applications for disabled parking permits and temporary  
32 disabled parking permits are official state documents. Knowingly  
33 providing false information in conjunction with the application is a  
34 gross misdemeanor punishable under chapter 9A.20 RCW. The following  
35 statement must appear on each application form immediately below the  
36 physician's or advanced registered nurse practitioner's signature and  
37 immediately below the applicant's signature: "A disabled parking

1 permit may be issued only for a medical necessity that severely affects  
2 mobility (RCW 46.16.381). Knowingly providing false information on  
3 this application is a gross misdemeanor. The penalty is up to one year  
4 in jail and a fine of up to \$5,000 or both."

5 (3) Persons who qualify for special parking privileges are entitled  
6 to receive from the department of licensing a removable windshield  
7 placard bearing the international symbol of access and an individual  
8 serial number, along with a special identification card bearing the  
9 name and date of birth of the person to whom the placard is issued, and  
10 the placard's serial number. The special identification card shall be  
11 issued no later than January 1, 2000, to all persons who are issued  
12 parking placards, including those issued for temporary disabilities,  
13 and special disabled parking license plates. The department shall  
14 design the placard to be displayed when the vehicle is parked by  
15 suspending it from the rearview mirror, or in the absence of a rearview  
16 mirror the card may be displayed on the dashboard of any vehicle used  
17 to transport the disabled person. Instead of regular motor vehicle  
18 license plates, disabled persons are entitled to receive special  
19 license plates under this section or section 2 of this act bearing the  
20 international symbol of access for one vehicle registered in the  
21 disabled person's name. Disabled persons who are not issued the  
22 special license plates are entitled to receive a second special placard  
23 upon submitting a written request to the department. Persons who have  
24 been issued the parking privileges and who are using a vehicle or are  
25 riding in a vehicle displaying the placard or special license plates  
26 (~~(or placard)~~) issued under this section or section 2 of this act may  
27 park in places reserved for mobility disabled persons. The director  
28 shall adopt rules providing for the issuance of special placards and  
29 license plates to public transportation authorities, nursing homes  
30 licensed under chapter 18.51 RCW, boarding homes licensed under chapter  
31 18.20 RCW, senior citizen centers, private nonprofit agencies as  
32 defined in chapter 24.03 RCW, and vehicles registered with the  
33 department as cabulances that regularly transport disabled persons who  
34 have been determined eligible for special parking privileges provided  
35 under this section. The director may issue special license plates for  
36 a vehicle registered in the name of the public transportation  
37 authority, nursing home, boarding homes, senior citizen center, private  
38 nonprofit agency, or cabulance service if the vehicle is primarily used

1 to transport persons with disabilities described in this section.  
2 Public transportation authorities, nursing homes, boarding homes,  
3 senior citizen centers, private nonprofit agencies, and cabulance  
4 services are responsible for insuring that the special placards and  
5 license plates are not used improperly and are responsible for all  
6 fines and penalties for improper use.

7 (4) Whenever the disabled person transfers or assigns his or her  
8 interest in the vehicle, the special license plates shall be removed  
9 from the motor vehicle. If another vehicle is acquired by the disabled  
10 person and the vehicle owner qualifies for a special plate, the plate  
11 shall be attached to the vehicle, and the director shall be immediately  
12 notified of the transfer of the plate. If another vehicle is not  
13 acquired by the disabled person, the removed plate shall be immediately  
14 surrendered to the director.

15 (5) The special license plate shall be renewed in the same manner  
16 and at the time required for the renewal of regular motor vehicle  
17 license plates under this chapter. No special license plate may be  
18 issued to a person who is temporarily disabled. A person who has a  
19 condition expected to improve within six months may be issued a  
20 temporary placard for a period not to exceed six months. If the  
21 condition exists after six months a new temporary placard shall be  
22 issued upon receipt of a new certification from the disabled person's  
23 physician. The permanent parking placard and identification card of a  
24 disabled person shall be renewed at least every five years, as required  
25 by the director, by satisfactory proof of the right to continued use of  
26 the privileges. In the event of the permit holder's death, the parking  
27 placard and identification card must be immediately surrendered to the  
28 department. The department shall match and purge its disabled permit  
29 data base with available death record information at least every twelve  
30 months.

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

35 (7) Additional fees shall not be charged for the issuance of the  
36 special placards or the identification cards. No additional fee may be  
37 charged for the issuance of the special license plates except the

1 regular motor vehicle registration fee and any other fees and taxes  
2 required to be paid upon registration of a motor vehicle.

3 (8) Any unauthorized use of the special placard, special license  
4 plate issued under this section or section 2 of this act, or  
5 identification card is a traffic infraction with a monetary penalty of  
6 two hundred fifty dollars.

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

12 (10) It is a parking infraction, with a monetary penalty of two  
13 hundred fifty dollars for any person to park a vehicle in a parking  
14 place provided on private property without charge or on public property  
15 reserved for physically disabled persons without a placard or special  
16 license plate ((or placard)) issued under this section or section 2 of  
17 this act. If a person is charged with a violation, the person shall  
18 not be determined to have committed an infraction if the person  
19 produces in court or before the court appearance the placard or special  
20 license plate ((or placard)) issued under this section or section 2 of  
21 this act required under this section. A local jurisdiction providing  
22 nonmetered, on-street parking places reserved for physically disabled  
23 persons may impose by ordinance time restrictions of no less than four  
24 hours on the use of these parking places. A local jurisdiction may  
25 impose by ordinance time restrictions of no less than four hours on the  
26 use of nonreserved, on-street parking spaces by vehicles displaying the  
27 special parking placards or special license plates issued under this  
28 section or section 2 of this act. All time restrictions must be  
29 clearly posted.

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

35 (12) Except as provided by subsection (2) of this section, it is a  
36 traffic infraction with a monetary penalty of two hundred fifty dollars  
37 for any person willfully to obtain a special license plate issued under

1 this section or section 2 of this act, placard, or identification card  
2 in a manner other than that established under this section.

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

9 (b) An agency appointing volunteers under this section must provide  
10 training to the volunteers before authorizing them to issue notices of  
11 infractions.

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

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

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

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

25 (b) Any other community restitution that may sensitize the violator  
26 to the needs and obstacles faced by persons who have disabilities.

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

29 NEW SECTION. **Sec. 4.** This act takes effect November 1, 2004.

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