

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6325

58th Legislature
2004 Regular Session

Passed by the Senate February 3, 2004
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 4, 2004
YEAS 74 NAYS 20

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 6325 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6325

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Haugen and Esser)

READ FIRST TIME 01/23/04.

1 AN ACT Relating to special license plates; amending RCW 46.16.381,
2 46.16.735, and 46.16.755; adding a new section to chapter 46.16 RCW;
3 and providing an effective 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 department shall design and issue disabled parking emblem
8 versions of special license plates issued under (a) RCW 46.16.301; (b)
9 RCW 46.16.305, except those plates issued under RCW 46.16.305 (1) and
10 (2); (c) RCW 46.16.324; (d) RCW 46.16.745; (e) RCW 73.04.110; (f) RCW
11 73.04.115; or (g) RCW 46.16.301(1) (a), (b), or (c), as it existed
12 before amendment by section 5, chapter 291, Laws of 1997. The disabled
13 parking emblem version of the special plate must display the universal
14 symbol of access that may be used in lieu of the parking placard issued
15 to persons who qualify for special parking privileges under RCW
16 46.16.381. The department may not charge an additional fee for the
17 issuance of the special disabled parking emblem license plate, except
18 the regular motor vehicle registration fee, the fee associated with the
19 particular special plate, and any other fees and taxes required to be

1 paid upon registration of a motor vehicle. The emblem must be
2 incorporated into the design of the special license plate in a manner
3 to be determined by the department, and under existing vehicular
4 licensing procedures and existing laws.

5 (2) Persons who qualify for special parking privileges under RCW
6 46.16.381, and who have applied and paid the appropriate fee for any of
7 the special license plates listed in subsection (1) of this section,
8 are entitled to receive from the department a special disabled parking
9 emblem license plate. The special disabled parking emblem license
10 plate may be used for one vehicle registered in the disabled person's
11 name. Persons who have been issued the parking privileges or who are
12 using a vehicle displaying the special disabled parking emblem license
13 plate may park in places reserved for mobility disabled persons.

14 (3) The special disabled parking emblem license plate must be
15 administered in the same manner as the plates issued under RCW
16 46.16.381.

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

18 **Sec. 2.** RCW 46.16.381 and 2003 c 371 s 1 are each amended to read
19 as follows:

20 (1) The director shall grant special parking privileges to any
21 person who has a disability that limits or impairs the ability to walk
22 and meets one of the following criteria, as determined by a licensed
23 physician or an advanced registered nurse practitioner licensed under
24 chapter 18.79 RCW:

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

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

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

31 (d) Uses portable oxygen;

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

36 (f) Impairment by cardiovascular disease or cardiac condition to

1 the extent that the person's functional limitations are classified as
2 class III or IV under standards accepted by the American Heart
3 Association; or

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

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

20 (3) Persons who qualify for special parking privileges are entitled
21 to receive from the department of licensing a removable windshield
22 placard bearing the international symbol of access and an individual
23 serial number, along with a special identification card bearing the
24 name and date of birth of the person to whom the placard is issued, and
25 the placard's serial number. The special identification card shall be
26 issued no later than January 1, 2000, to all persons who are issued
27 parking placards, including those issued for temporary disabilities,
28 and special disabled parking license plates. The department shall
29 design the placard to be displayed when the vehicle is parked by
30 suspending it from the rearview mirror, or in the absence of a rearview
31 mirror the card may be displayed on the dashboard of any vehicle used
32 to transport the disabled person. Instead of regular motor vehicle
33 license plates, disabled persons are entitled to receive special
34 license plates under this section or section 1 of this act bearing the
35 international symbol of access for one vehicle registered in the
36 disabled person's name. Disabled persons who are not issued the
37 special license plates are entitled to receive a second special placard
38 upon submitting a written request to the department. Persons who have

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

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

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

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

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

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

17 (8) Any unauthorized use of the special placard, special license
18 plate issued under this section or section 1 of this act, or
19 identification card is a traffic infraction with a monetary penalty of
20 two hundred fifty dollars.

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

26 (10) It is a parking infraction, with a monetary penalty of two
27 hundred fifty dollars for any person to park a vehicle in a parking
28 place provided on private property without charge or on public property
29 reserved for physically disabled persons without a placard or special
30 license plate (~~(or placard)~~) issued under this section or section 1 of
31 this act. If a person is charged with a violation, the person shall
32 not be determined to have committed an infraction if the person
33 produces in court or before the court appearance the placard or special
34 license plate (~~(or placard)~~) issued under this section or section 1 of
35 this act required under this section. A local jurisdiction providing
36 nonmetered, on-street parking places reserved for physically disabled
37 persons may impose by ordinance time restrictions of no less than four
38 hours on the use of these parking places. A local jurisdiction may

1 impose by ordinance time restrictions of no less than four hours on the
2 use of nonreserved, on-street parking spaces by vehicles displaying the
3 special parking placards or special license plates issued under this
4 section or section 1 of this act. All time restrictions must be
5 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 issued under
14 this section or section 1 of this act, placard, or identification card
15 in a manner other than that established under this 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.

5 **Sec. 3.** RCW 46.16.735 and 2003 c 196 s 201 are each amended to
6 read as follows:

7 (1) For an organization to qualify for a special license plate
8 under the special license plate approval program created in RCW
9 46.16.705 through 46.16.765, the sponsoring organization must submit
10 documentation in conjunction with the application to the department
11 that verifies:

12 (a) That the organization is a nonprofit organization, as defined
13 in 26 U.S.C. Sec. 501(c)(3). The department may request a copy of an
14 Internal Revenue Service ruling to verify an organization's nonprofit
15 status; and

16 (b) That the organization is located in Washington and has
17 registered as a charitable organization with the secretary of state's
18 office as required by law.

19 (2) For a governmental body to qualify for a special license plate
20 under the special license plate approval program created in RCW
21 46.16.705 through 46.16.765, a governmental body must be:

22 (a) A political subdivision, including but not limited to any
23 county, city, town, municipal corporation, or special purpose taxing
24 district that has the express permission of the political subdivision's
25 executive body to sponsor a special license plate;

26 (b) A federally recognized tribal government that has received the
27 approval of the executive body of that government to sponsor a special
28 license plate;

29 (c) A state agency that has (~~both~~) received approval from the
30 director of the agency or the department head(~~(, and has the express~~
31 ~~statutory authority to sponsor a special license plate)); or~~

32 (d) A community or technical college that has the express
33 permission of the college's board of trustees to sponsor a special
34 license plate.

35 **Sec. 4.** RCW 46.16.755 and 2003 c 196 s 302 are each amended to
36 read as follows:

1 (1)(a) Revenues generated from the sale of special license plates
2 for those sponsoring organizations who used the application process in
3 RCW 46.16.745(3) must be deposited into the motor vehicle account until
4 the department determines that the state's implementation costs have
5 been fully reimbursed. The department shall apply the application fee
6 required under RCW 46.16.745(3)(a) towards those costs.

7 (b) When it is determined that the state has been fully reimbursed
8 the department must notify the house of representatives and senate
9 transportation committees, the sponsoring organization, and the
10 treasurer, and commence the distribution of the revenue as otherwise
11 provided by law.

12 (2) If reimbursement does not occur within (~~the two year time~~
13 ~~frame~~) two years from the date the plate is first offered for sale to
14 the public, the special license plate series must be placed in
15 probationary status for a period of one year from that date. If the
16 state is still not fully reimbursed for its implementation costs after
17 the one-year probation, the plate series must be discontinued
18 immediately. Special plates issued before discontinuation are valid
19 until replaced under RCW 46.16.233. (~~The state must be reimbursed for~~
20 ~~its portion of the implementation costs within two years from the date~~
21 ~~the new plate series goes on sale to the public.~~)

22 (3) The special license plate applicant trust account is created in
23 the custody of the state treasurer. All receipts from special license
24 plate applicants, except the application fee as provided in RCW
25 46.16.745(3), must be deposited into the account. Only the director of
26 the department or the director's designee may authorize disbursements
27 from the account. The account is not subject to the allotment
28 procedures under chapter 43.88 RCW, nor is an appropriation required
29 for disbursements.

30 (4) The department shall provide the special license plate
31 applicant with a written receipt for the payment.

32 (5) The department shall maintain a record of each special license
33 plate applicant trust account deposit, including, but not limited to,
34 the name and address of each special license plate applicant whose
35 funds are being deposited, the amount paid, and the date of the
36 deposit.

37 (6) After the department receives written notice that the special
38 license plate applicant's application has been:

1 (a) Approved by the legislature the director shall request that the
2 money be transferred to the motor vehicle account;

3 (b) Denied by the special license plate review board or the
4 legislature the director shall provide a refund to the applicant within
5 thirty days; or

6 (c) Withdrawn by the special license plate applicant the director
7 shall provide a refund to the applicant within thirty days.

8 NEW SECTION. **Sec. 5.** Sections 1 and 2 of this act take effect
9 November 1, 2004.

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