

SHB 1711 - S AMD 457

By Senators Regala, Stevens

ADOPTED 04/11/2005

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.61.581 and 1998 c 294 s 2 are each amended to read
4 as follows:

5 A parking space or stall for a ~~((disabled))~~ person with a
6 disability shall be indicated by a vertical sign(~~(, between thirty six~~
7 ~~and eighty four inches off the ground,~~) with the international symbol
8 of access, whose colors are white on a blue background, described under
9 RCW 70.92.120 ~~((and the notice "State disabled parking permit~~
10 ~~required."))~~. The sign may include additional language such as, but
11 not limited to, an indication of the amount of the monetary penalty
12 defined in RCW 46.16.381 for parking in the space without a valid
13 permit.

14 Failure of the person owning or controlling the property where
15 required parking spaces are located to erect and maintain the sign is
16 a class 2 civil infraction under chapter 7.80 RCW for each parking
17 space that should be so designated. The person owning or controlling
18 the property where the required parking spaces are located shall ensure
19 that the parking spaces are not blocked or made inaccessible, and
20 failure to do so is a class 2 civil infraction.

21 "Sec. 2. RCW 46.16.381 and 2004 c 222 s 2 are each amended to read
22 as follows:

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

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

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

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

6 (d) Uses portable oxygen;

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

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

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

20 (2) The applications for (~~disabled~~) parking permits for persons
21 with disabilities and (~~temporary-disabled~~) parking permits for
22 persons with temporary disabilities are official state documents.
23 Knowingly providing false information in conjunction with the
24 application is a gross misdemeanor punishable under chapter 9A.20 RCW.
25 The following statement must appear on each application form
26 immediately below the physician's or advanced registered nurse
27 practitioner's signature and immediately below the applicant's
28 signature: "A (~~disabled~~) parking permit for a person with
29 disabilities may be issued only for a medical necessity that severely
30 affects mobility (RCW 46.16.381). Knowingly providing false
31 information on this application is a gross misdemeanor. The penalty is
32 up to one year in jail and a fine of up to \$5,000 or both."

33 (3) Persons who qualify for special parking privileges are entitled
34 to receive from the department of licensing a removable windshield
35 placard bearing the international symbol of access and an individual
36 serial number, along with a special identification card bearing the
37 name and date of birth of the person to whom the placard is issued, and
38 the placard's serial number. The special identification card shall be

1 issued no later than January 1, 2000, to all persons who are issued
2 parking placards, including those issued for temporary disabilities,
3 and special ~~((disabled))~~ parking license plates for persons with
4 disabilities. The department shall design the placard to be displayed
5 when the vehicle is parked by suspending it from the rearview mirror,
6 or in the absence of a rearview mirror the card may be displayed on the
7 dashboard of any vehicle used to transport the ~~((disabled))~~ person with
8 disabilities. Instead of regular motor vehicle license plates,
9 ~~((disabled))~~ persons with disabilities are entitled to receive special
10 license plates under this section or RCW 46.16.385 bearing the
11 international symbol of access for one vehicle registered in the
12 ~~((disabled person's))~~ name of the person with disabilities.
13 ~~((Disabled))~~ Persons with disabilities who are not issued the special
14 license plates are entitled to receive a second special placard upon
15 submitting a written request to the department. Persons who have been
16 issued the parking privileges and who are using a vehicle or are riding
17 in a vehicle displaying the placard or special license plates issued
18 under this section or RCW 46.16.385 may park in places reserved for
19 ~~((mobility disabled))~~ persons with physical disabilities. The director
20 shall adopt rules providing for the issuance of special placards and
21 license plates to public transportation authorities, nursing homes
22 licensed under chapter 18.51 RCW, boarding homes licensed under chapter
23 18.20 RCW, senior citizen centers, private nonprofit agencies as
24 defined in chapter 24.03 RCW, and vehicles registered with the
25 department as cabulances that regularly transport ~~((disabled))~~ persons
26 with disabilities who have been determined eligible for special parking
27 privileges provided under this section. The director may issue special
28 license plates for a vehicle registered in the name of the public
29 transportation authority, nursing home, boarding home~~((s))~~, senior
30 citizen center, private nonprofit agency, or cabulance service if the
31 vehicle is primarily used to transport persons with disabilities
32 described in this section. Public transportation authorities, nursing
33 homes, boarding homes, senior citizen centers, private nonprofit
34 agencies, and cabulance services are responsible for insuring that the
35 special placards and license plates are not used improperly and are
36 responsible for all fines and penalties for improper use.

37 (4) Whenever the ~~((disabled))~~ person with disabilities transfers or
38 assigns his or her interest in the vehicle, the special license plates

1 shall be removed from the motor vehicle. If another vehicle is
2 acquired by the ((disabled)) person with disabilities and the vehicle
3 owner qualifies for a special plate, the plate shall be attached to the
4 vehicle, and the director shall be immediately notified of the transfer
5 of the plate. If another vehicle is not acquired by the ((disabled))
6 person with disabilities, the removed plate shall be immediately
7 surrendered to the director.

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

25 (6) Each person with disabilities who has been issued a permanent
26 ((disabled)) parking permit on or before July 1, 1998, must renew the
27 permit no later than July 1, 2003, subject to a schedule to be set by
28 the department, or the permit will expire.

29 (7) Additional fees shall not be charged for the issuance of the
30 special placards or the identification cards. No additional fee may be
31 charged for the issuance of the special license plates except the
32 regular motor vehicle registration fee and any other fees and taxes
33 required to be paid upon registration of a motor vehicle.

34 (8) Any unauthorized use of the special placard, special license
35 plate issued under this section or RCW 46.16.385, or identification
36 card is a traffic infraction with a monetary penalty of two hundred
37 fifty dollars.

1 (9) It is a parking infraction, with a monetary penalty of two
2 hundred fifty dollars for a person to make inaccessible the access
3 aisle located next to a space reserved for (~~physically disabled~~)
4 persons with physical disabilities. The clerk of the court shall
5 report all violations related to this subsection to the department.

6 (10) It is a parking infraction, with a monetary penalty of two
7 hundred fifty dollars for any person to park a vehicle in a parking
8 place provided on private property without charge or on public property
9 reserved for (~~physically disabled~~) persons with physical disabilities
10 without a placard or special license plate issued under this section or
11 RCW 46.16.385. If a person is charged with a violation, the person
12 shall not be determined to have committed an infraction if the person
13 produces in court or before the court appearance the placard or special
14 license plate issued under this section or RCW 46.16.385 required under
15 this section. A local jurisdiction providing nonmetered, on-street
16 parking places reserved for (~~physically disabled~~) persons with
17 physical disabilities may impose by ordinance time restrictions of no
18 less than four hours on the use of these parking places. A local
19 jurisdiction may impose by ordinance time restrictions of no less than
20 four hours on the use of nonreserved, on-street parking spaces by
21 vehicles displaying the special parking placards or special license
22 plates issued under this section or RCW 46.16.385. All time
23 restrictions must be clearly posted.

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

29 (12) Except as provided by subsection (2) of this section, it is a
30 traffic infraction with a monetary penalty of two hundred fifty dollars
31 for any person willfully to obtain a special license plate issued under
32 this section or RCW 46.16.385, placard, or identification card in a
33 manner other than that established under this section.

34 (13)(a) A law enforcement agency authorized to enforce parking laws
35 may appoint volunteers, with a limited commission, to issue notices of
36 infractions for violations of this section or RCW 46.61.581.
37 Volunteers must be at least twenty-one years of age. The law

1 enforcement agency appointing volunteers may establish any other
2 qualifications the agency deems desirable.

3 (b) An agency appointing volunteers under this section must provide
4 training to the volunteers before authorizing them to issue notices of
5 infractions.

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

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

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

17 (a) Community restitution for a nonprofit organization that serves
18 ~~((the disabled community or))~~ persons having disabilities or disabling
19 diseases; or

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

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

24 **Sec. 3.** RCW 46.16.385 and 2004 c 222 s 1 are each amended to read
25 as follows:

26 (1) The department shall design and issue ~~((disabled parking
27 emblem))~~ versions of special license plates including the international
28 symbol of access described in RCW 70.92.120 for plates issued under (a)
29 RCW 46.16.301; (b) RCW 46.16.305, except those plates issued under RCW
30 46.16.305 (1) and (2); (c) RCW 46.16.324; (d) RCW 46.16.745; (e) RCW
31 73.04.110; (f) RCW 73.04.115; or (g) RCW 46.16.301(1) (a), (b), or (c),
32 as it existed before amendment by section 5, chapter 291, Laws of 1997.
33 The ~~((disabled parking emblem))~~ version of the special plate ~~((must
34 display))~~ including the ((universal)) international symbol of access
35 ~~((that))~~ may be used in lieu of the parking placard issued to persons
36 who qualify for special parking privileges under RCW 46.16.381. The
37 department may not charge an additional fee for the issuance of the

1 special (~~disabled parking emblem~~) license plate including the
2 international symbol of access, except the regular motor vehicle
3 registration fee, the fee associated with the particular special plate,
4 and any other fees and taxes required to be paid upon registration of
5 a motor vehicle. The (~~emblem~~) international symbol of access must be
6 incorporated into the design of the special license plate in a manner
7 to be determined by the department, and under existing vehicular
8 licensing procedures and existing laws.

9 (2) Persons who qualify for special parking privileges under RCW
10 46.16.381, and who have applied and paid the appropriate fee for any of
11 the special license plates listed in subsection (1) of this section,
12 are entitled to receive from the department a special (~~disabled~~
13 ~~parking emblem~~) license plate including the international symbol of
14 access. The special (~~disabled parking emblem~~) license plate
15 including the international symbol of access may be used for one
16 vehicle registered in the (~~disabled person's~~) name of the person with
17 the disability. Persons who have been issued the parking privileges or
18 who are using a vehicle displaying the special (~~disabled parking~~
19 ~~emblem~~) license plate including the international symbol of access may
20 park in places reserved for (~~mobility disabled~~) persons with physical
21 disabilities.

22 (3) (~~The~~) Special (~~disabled parking emblem~~) license plates
23 including the international symbol of access must be administered in
24 the same manner as (~~the~~) plates issued under RCW 46.16.381.

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

26 **Sec. 4.** RCW 46.16.390 and 1991 c 339 s 22 are each amended to read
27 as follows:

28 A special license plate or card issued by another state or country
29 that indicates an occupant of the vehicle (~~is disabled~~) has
30 disabilities, entitles the vehicle on or in which it is displayed and
31 being used to transport the (~~disabled~~) person with disabilities to
32 lawfully park in a parking place reserved for (~~physically disabled~~)
33 persons with physical disabilities pursuant to chapter 70.92 RCW or
34 authority implemental thereof.

35 **Sec. 5.** RCW 46.55.113 and 2003 c 178 s 1 and 2003 c 177 s 1 are
36 each reenacted and amended to read as follows:

1 (1) Whenever the driver of a vehicle is arrested for a violation of
2 RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is
3 subject to summary impoundment, pursuant to the terms and conditions of
4 an applicable local ordinance or state agency rule at the direction of
5 a law enforcement officer.

6 (2) In addition, a police officer may take custody of a vehicle, at
7 his or her discretion, and provide for its prompt removal to a place of
8 safety under any of the following circumstances:

9 (a) Whenever a police officer finds a vehicle standing upon the
10 roadway in violation of any of the provisions of RCW 46.61.560, the
11 officer may provide for the removal of the vehicle or require the
12 driver or other person in charge of the vehicle to move the vehicle to
13 a position off the roadway;

14 (b) Whenever a police officer finds a vehicle unattended upon a
15 highway where the vehicle constitutes an obstruction to traffic or
16 jeopardizes public safety;

17 (c) Whenever a police officer finds an unattended vehicle at the
18 scene of an accident or when the driver of a vehicle involved in an
19 accident is physically or mentally incapable of deciding upon steps to
20 be taken to protect his or her property;

21 (d) Whenever the driver of a vehicle is arrested and taken into
22 custody by a police officer;

23 (e) Whenever a police officer discovers a vehicle that the officer
24 determines to be a stolen vehicle;

25 (f) Whenever a vehicle without a special license plate, (~~card~~)
26 placard, or decal indicating that the vehicle is being used to
27 transport a (~~disabled~~) person with disabilities under RCW 46.16.381
28 is parked in a stall or space clearly and conspicuously marked under
29 RCW 46.61.581 which space is provided on private property without
30 charge or on public property;

31 (g) Upon determining that a person is operating a motor vehicle
32 without a valid driver's license in violation of RCW 46.20.005 or with
33 a license that has been expired for ninety days or more;

34 (h) When a vehicle is illegally occupying a truck, commercial
35 loading zone, restricted parking zone, bus, loading, hooded-meter,
36 taxi, street construction or maintenance, or other similar zone where,
37 by order of the director of transportation or chiefs of police or fire
38 or their designees, parking is limited to designated classes of

1 vehicles or is prohibited during certain hours, on designated days or
2 at all times, if the zone has been established with signage for at
3 least twenty-four hours and where the vehicle is interfering with the
4 proper and intended use of the zone. Signage must give notice to the
5 public that a vehicle will be removed if illegally parked in the zone.

6 (3) When an arrest is made for a violation of RCW 46.20.342, if the
7 vehicle is a commercial vehicle and the driver of the vehicle is not
8 the owner of the vehicle, before the summary impoundment directed under
9 subsection (1) of this section, the police officer shall attempt in a
10 reasonable and timely manner to contact the owner of the vehicle and
11 may release the vehicle to the owner if the owner is reasonably
12 available, as long as the owner was not in the vehicle at the time of
13 the stop and arrest and the owner has not received a prior release
14 under this subsection or RCW 46.55.120(1)(a)(ii).

15 (4) Nothing in this section may derogate from the powers of police
16 officers under the common law. For the purposes of this section, a
17 place of safety may include the business location of a registered tow
18 truck operator.

19 **Sec. 6.** RCW 73.04.110 and 2004 c 223 s 6 and 2004 c 125 s 1 are
20 each reenacted and amended to read as follows:

21 Any person who is a veteran as defined in RCW 41.04.007 who submits
22 to the department of licensing satisfactory proof of a service-
23 connected disability rating from the veterans administration or the
24 military service from which the veteran was discharged and:

25 (1) Has lost the use of both hands or one foot;

26 (2) Was captured and incarcerated for more than twenty-nine days by
27 an enemy of the United States during a period of war with the United
28 States;

29 (3) Has become blind in both eyes as the result of military
30 service; or

31 (4) Is rated by the veterans administration or the military service
32 from which the veteran was discharged and is receiving service-
33 connected compensation at the one hundred percent rate that is expected
34 to exist for more than one year;

35 is entitled to regular or special license plates issued by the
36 department of licensing. The special license plates shall bear
37 distinguishing marks, letters, or numerals indicating that the motor

1 vehicle is owned by a (~~disabled~~) veteran with disabilities or former
2 prisoner of war. This license shall be issued annually for one
3 personal use vehicle without payment of any license fees or excise tax
4 thereon. Whenever any person who has been issued license plates under
5 the provisions of this section applies to the department for transfer
6 of the plates to a subsequently acquired motor vehicle, a transfer fee
7 of ten dollars shall be charged in addition to all other appropriate
8 fees. The department may periodically verify the one hundred percent
9 rate as provided in subsection (4) of this section.

10 Any person who has been issued free motor vehicle license plates
11 under this section prior to July 1, 1983, shall continue to be eligible
12 for the annual free license plates.

13 For the purposes of this section, "blind" means the definition of
14 "blind" used by the state of Washington in determining eligibility for
15 financial assistance to the blind under Title 74 RCW.

16 Any unauthorized use of a special plate is a gross misdemeanor."

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ADOPTED 04/11/2005

17 In line 1 of the title, after "disabilities;" strike the remainder
18 of the title and insert "amending RCW 46.61.581, 46.16.381, 46.16.385,
19 and 46.16.390; and reenacting and amending RCW 46.55.113 and
20 73.04.110."

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