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**SUBSTITUTE HOUSE BILL 2389**

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**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Kagi and Moeller)

READ FIRST TIME 02/03/06.

1            AN ACT Relating to adding porphyria to the list of disabilities for  
2 special parking privileges; amending RCW 46.16.381; and providing an  
3 effective date.

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

5            **Sec. 1.** RCW 46.16.381 and 2005 c 390 s 2 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 or involves acute sensitivity to light and meets one of the following  
10 criteria, as determined by a licensed physician or an advanced  
11 registered nurse practitioner licensed under 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; or

14 (h) Is restricted by a form of porphyria to the extent that the  
15 applicant would significantly benefit from a decrease in exposure to  
16 light.

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

29 (3) Persons who qualify for special parking privileges are entitled  
30 to receive from the department of licensing a removable windshield  
31 placard bearing the international symbol of access and an individual  
32 serial number, along with a special identification card bearing the  
33 name and date of birth of the person to whom the placard is issued, and  
34 the placard's serial number. The special identification card shall be  
35 issued no later than January 1, 2000, to all persons who are issued  
36 parking placards, including those issued for temporary disabilities,  
37 and special parking license plates for persons with disabilities. The  
38 department shall design the placard to be displayed when the vehicle is

1 parked by suspending it from the rearview mirror, or in the absence of  
2 a rearview mirror the card may be displayed on the dashboard of any  
3 vehicle used to transport the person with disabilities. Instead of  
4 regular motor vehicle license plates, persons with disabilities are  
5 entitled to receive special license plates under this section or RCW  
6 46.16.385 bearing the international symbol of access for one vehicle  
7 registered in the name of the person with disabilities. Persons with  
8 disabilities who are not issued the special license plates are entitled  
9 to receive a second special placard upon submitting a written request  
10 to the department. Persons who have been issued the parking privileges  
11 and who are using a vehicle or are riding in a vehicle displaying the  
12 placard or special license plates issued under this section or RCW  
13 46.16.385 may park in places reserved for persons with physical  
14 disabilities. The director shall adopt rules providing for the  
15 issuance of special placards and license plates to public  
16 transportation authorities, nursing homes licensed under chapter 18.51  
17 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen  
18 centers, private nonprofit agencies as defined in chapter 24.03 RCW,  
19 and vehicles registered with the department as cabulances that  
20 regularly transport persons with disabilities who have been determined  
21 eligible for special parking privileges provided under this section.  
22 The director may issue special license plates for a vehicle registered  
23 in the name of the public transportation authority, nursing home,  
24 boarding home, senior citizen center, private nonprofit agency, or  
25 cabulance service if the vehicle is primarily used to transport persons  
26 with disabilities described in this section. Public transportation  
27 authorities, nursing homes, boarding homes, senior citizen centers,  
28 private nonprofit agencies, and cabulance services are responsible for  
29 insuring that the special placards and license plates are not used  
30 improperly and are responsible for all fines and penalties for improper  
31 use.

32 (4) Whenever the person with disabilities transfers or assigns his  
33 or her interest in the vehicle, the special license plates shall be  
34 removed from the motor vehicle. If another vehicle is acquired by the  
35 person with disabilities and the vehicle owner qualifies for a special  
36 plate, the plate shall be attached to the vehicle, and the director  
37 shall be immediately notified of the transfer of the plate. If another

1 vehicle is not acquired by the person with disabilities, the removed  
2 plate shall be immediately surrendered to the director.

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

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

23 (7) Additional fees shall not be charged for the issuance of the  
24 special placards or the identification cards. No additional fee may be  
25 charged for the issuance of the special license plates except the  
26 regular motor vehicle registration fee and any other fees and taxes  
27 required to be paid upon registration of a motor vehicle.

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

32 (9) It is a parking infraction, with a monetary penalty of two  
33 hundred fifty dollars for a person to make inaccessible the access  
34 aisle located next to a space reserved for persons with physical  
35 disabilities. The clerk of the court shall report all violations  
36 related to this subsection to the department.

37 (10) It is a parking infraction, with a monetary penalty of two  
38 hundred fifty dollars for any person to park a vehicle in a parking

1 place provided on private property without charge or on public property  
2 reserved for persons with physical disabilities without a placard or  
3 special license plate issued under this section or RCW 46.16.385. If  
4 a person is charged with a violation, the person shall not be  
5 determined to have committed an infraction if the person produces in  
6 court or before the court appearance the placard or special license  
7 plate issued under this section or RCW 46.16.385 required under this  
8 section. A local jurisdiction providing nonmetered, on-street parking  
9 places reserved for persons with physical disabilities may impose by  
10 ordinance time restrictions of no less than four hours on the use of  
11 these parking places. A local jurisdiction may impose by ordinance  
12 time restrictions of no less than four hours on the use of nonreserved,  
13 on-street parking spaces by vehicles displaying the special parking  
14 placards or special license plates issued under this section or RCW  
15 46.16.385. All time restrictions must be clearly posted.

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

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

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

32 (b) An agency appointing volunteers under this section must provide  
33 training to the volunteers before authorizing them to issue notices of  
34 infractions.

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

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

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

9 (a) Community restitution for a nonprofit organization that serves  
10 persons having disabilities or disabling diseases; or

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

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

15 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2006.

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