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HOUSE BILL 2389

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Kagi and Moeller

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Committee on Transportation.

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 sunlight.

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. Persons who have been issued the parking privileges  
15 based on a diagnosis of porphyria may only park in places reserved for  
16 persons with physical disabilities from one-half hour before sunrise to  
17 one-half hour after sunset. The director shall adopt rules providing  
18 for the issuance of special placards and license plates to public  
19 transportation authorities, nursing homes licensed under chapter 18.51  
20 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen  
21 centers, private nonprofit agencies as defined in chapter 24.03 RCW,  
22 and vehicles registered with the department as cabulances that  
23 regularly transport persons with disabilities who have been determined  
24 eligible for special parking privileges provided under this section.  
25 The director may issue special license plates for a vehicle registered  
26 in the name of the public transportation authority, nursing home,  
27 boarding home, senior citizen center, private nonprofit agency, or  
28 cabulance service if the vehicle is primarily used to transport persons  
29 with disabilities described in this section. Public transportation  
30 authorities, nursing homes, boarding homes, senior citizen centers,  
31 private nonprofit agencies, and cabulance services are responsible for  
32 insuring that the special placards and license plates are not used  
33 improperly and are responsible for all fines and penalties for improper  
34 use.

35 (4) Whenever the person with disabilities transfers or assigns his  
36 or her interest in the vehicle, the special license plates shall be  
37 removed from the motor vehicle. If another vehicle is acquired by the  
38 person with disabilities and the vehicle owner qualifies for a special

1 plate, the plate shall be attached to the vehicle, and the director  
2 shall be immediately notified of the transfer of the plate. If another  
3 vehicle is not acquired by the person with disabilities, the removed  
4 plate shall be immediately surrendered to the director.

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

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

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

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

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

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

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

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

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

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

37 (c) A notice of infraction issued by a volunteer appointed under

1 this subsection has the same force and effect as a notice of infraction  
2 issued by a police officer for the same offense.

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

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

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

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

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

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

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