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**SUBSTITUTE HOUSE BILL 3093**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Clibborn, Curtis, Simpson, Darneille, Schual-Berke, Dickerson and Dunn)

READ FIRST TIME 02/06/06.

1 AN ACT Relating to allowing physician assistants to determine  
2 disability for special parking privileges; and amending RCW 46.16.381.

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

4 **Sec. 1.** RCW 46.16.381 and 2005 c 390 s 2 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  
10 under chapter 18.79 RCW, or a physician assistant licensed under  
11 chapter 18.71A or 18.57A 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, or  
12 physician assistant of the applicant shall document that the disability  
13 is comparable in severity to the others listed in this subsection.

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

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

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

30 (4) Whenever the person with disabilities transfers or assigns his  
31 or her interest in the vehicle, the special license plates shall be  
32 removed from the motor vehicle. If another vehicle is acquired by the  
33 person with disabilities and the vehicle owner qualifies for a special  
34 plate, the plate shall be attached to the vehicle, and the director  
35 shall be immediately notified of the transfer of the plate. If another  
36 vehicle is not acquired by the person with disabilities, the removed  
37 plate shall be immediately surrendered to the director.

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

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

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

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

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

35 (10) It is a parking infraction, with a monetary penalty of two  
36 hundred fifty dollars for any person to park a vehicle in a parking  
37 place provided on private property without charge or on public property  
38 reserved for persons with physical disabilities without a placard or

1 special license plate issued under this section or RCW 46.16.385. If  
2 a person is charged with a violation, the person shall not be  
3 determined to have committed an infraction if the person produces in  
4 court or before the court appearance the placard or special license  
5 plate issued under this section or RCW 46.16.385 required under this  
6 section. A local jurisdiction providing nonmetered, on-street parking  
7 places reserved for persons with physical disabilities may impose by  
8 ordinance time restrictions of no less than four hours on the use of  
9 these parking places. A local jurisdiction may impose by ordinance  
10 time restrictions of no less than four hours on the use of nonreserved,  
11 on-street parking spaces by vehicles displaying the special parking  
12 placards or special license plates issued under this section or RCW  
13 46.16.385. All time restrictions must be clearly posted.

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

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

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

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

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

36 (d) A police officer or a volunteer may request a person to show  
37 the person's identification card or special parking placard when

1 investigating the possibility of a violation of this section. If the  
2 request is refused, the person in charge of the vehicle may be issued  
3 a notice of infraction for a violation of this section.

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

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

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

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

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