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SENATE BILL 5081

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State of Washington

61st Legislature

2009 Regular Session

By Senators Jacobsen and Kauffman

Read first time 01/12/09. Referred to Committee on Transportation.

1 AN ACT Relating to the issuance of certain special license plates  
2 to persons with disabilities; and reenacting and amending RCW  
3 46.16.381.

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

5 **Sec. 1.** RCW 46.16.381 and 2007 c 262 s 1 and 2007 c 44 s 1 are  
6 each reenacted and amended to read 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, an advanced registered  
11 nurse practitioner licensed under chapter 18.79 RCW, or a physician  
12 assistant licensed under chapter 18.71A or 18.57A RCW:

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

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

16 (c) Has such a severe disability, that the person cannot walk  
17 without the use of or assistance from a brace, cane, another person,  
18 prosthetic device, wheelchair, or other assistive device;

19 (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;

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, 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 (h) Is legally blind and has limited mobility; or

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

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

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

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

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

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

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

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

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

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

34 (9) It is a parking infraction, with a monetary penalty of two  
35 hundred fifty dollars for any person to park a vehicle in a parking  
36 place provided on private property without charge or on public property  
37 reserved for persons with physical disabilities without a placard or  
38 special license plate issued under this section or RCW 46.16.385. If

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

13 (10) The penalties imposed under subsections (8) and (9) of this  
14 section shall be used by that local jurisdiction exclusively for law  
15 enforcement. The court may also impose an additional penalty  
16 sufficient to reimburse the local jurisdiction for any costs it may  
17 have incurred in removal and storage of the improperly parked vehicle.

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

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

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

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

35 (d) A police officer or a volunteer may request a person to show  
36 the person's identification card or special parking placard when  
37 investigating the possibility of a violation of this section. If the

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

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

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

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

10 (14) The court may not suspend more than one-half of any fine  
11 imposed under subsection (7), (8), (9), or (11) of this section.

12 (15) For the purposes of this section, "legally blind" means a  
13 person who: (a) Has no vision or whose vision with corrective lenses  
14 is so limited that the individual requires alternative methods or  
15 skills to do efficiently those things that are ordinarily done with  
16 sight by individuals with normal vision; or (b) has an eye condition of  
17 a progressive nature which may lead to blindness.

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