

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE SENATE BILL 5902**

61st Legislature  
2010 Regular Session

Passed by the Senate March 11, 2010  
YEAS 44 NAYS 4

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**President of the Senate**

Passed by the House March 9, 2010  
YEAS 93 NAYS 4

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5902** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE SENATE BILL 5902**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

**State of Washington                      61st Legislature                      2010 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles, and McDermott)

READ FIRST TIME 02/26/09.

1            AN ACT Relating to promoting accessible communities for persons  
2 with disabilities; amending RCW 29A.46.260 and 43.79A.040; reenacting  
3 and amending RCW 46.16.381; adding a new section to chapter 50.40 RCW;  
4 adding a new section to chapter 36.01 RCW; creating new sections; and  
5 prescribing penalties.

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

7            NEW SECTION.    **Sec. 1.**    The legislature finds that when people who  
8 have disabilities are welcomed and included as members of our  
9 communities and provided with equal access to the opportunities  
10 available to others, their participation enriches those communities,  
11 enhances the strength of those communities' diversity, and contributes  
12 toward the economic vitality of those communities.    The legislature  
13 further finds that more than nine hundred thousand Washington state  
14 residents with disabilities continue to face barriers to full  
15 participation that could be easily eliminated.

16            NEW SECTION.    **Sec. 2.**    (1) The accessible communities account is  
17 created in the custody of the state treasurer.    One hundred dollars of  
18 the assessment imposed under RCW 46.16.381 (7), (8), and (9) must be

1 deposited into the account. Any reduction in the penalty or fine and  
2 assessment imposed under section 6 of this act shall be applied  
3 proportionally between the penalty or fine and the assessment.

4 (2) The account is subject to the allotment procedures under  
5 chapter 43.88 RCW, but an appropriation is not required for  
6 expenditures. Only the commissioner may authorize expenditures from  
7 the account.

8 (3) Expenditures from the account may be used for promoting greater  
9 awareness of disability issues and improved access for and inclusion  
10 and acceptance of persons with disabilities in communities in the state  
11 of Washington, including:

12 (a) Reimbursing travel, per diem, and reasonable accommodation for  
13 county accessible community advisory committee meetings and committee  
14 sponsored activities including, but not limited to, supporting the  
15 involvement of people with disabilities and disability organization in  
16 emergency planning and emergency preparedness activities;

17 (b) Establishing and maintaining an accessible communities web  
18 site;

19 (c) Providing training or technical assistance for county  
20 accessible community advisory committees;

21 (d) A grant program for funding proposals developed and submitted  
22 by county accessible community advisory committees to promote greater  
23 awareness of disability issues and acceptance, inclusion, and access  
24 for persons with disabilities within the community;

25 (e) Reimbursing the state agency that provides administrative  
26 support to the governor's committee on disability issues and employment  
27 for costs associated with implementing this act; and

28 (f) Programming changes to the judicial information system  
29 accounting module required for disbursement of funds to this account.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 50.40 RCW  
31 to read as follows:

32 (1) To the extent allowed by funds available from the accessible  
33 communities account created in section 2 of this act, the governor's  
34 committee on disability issues and employment shall:

35 (a) Determine eligibility of accessible community advisory  
36 committees for reimbursement or for grant funding according to section  
37 4 of this act; and

1 (b) Solicit proposals from active accessible community advisory  
2 committees for projects to improve disability awareness and access for  
3 persons with disabilities, and shall select projects for funding from  
4 moneys available in the accessible communities account.

5 (2) The commissioner shall adopt rules to administer this section.

6 (3) To the extent allowed by funds available from the accessible  
7 communities account created in section 2 of this act, the governor's  
8 committee on disability issues and employment shall establish an  
9 accessible communities web site to provide the following information:  
10 Guidance, technical assistance, reference materials, and resource  
11 identification for local governments, accessible community advisory  
12 committees, and public accommodations; examples of best practices for  
13 local initiatives and activities to promote greater awareness of  
14 disability issues and access for persons with disabilities within the  
15 community; and a searchable listing of local public accommodations that  
16 have taken steps to be more disability friendly, including information  
17 on the specific access features provided.

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW  
19 to read as follows:

20 (1) A county has the option to expand the scope of an advisory  
21 committee established and maintained under RCW 29A.46.260 to that of an  
22 accessible community advisory committee, or to create an accessible  
23 community advisory committee.

24 (2) A county that has an active accessible community advisory  
25 committee may be reimbursed within available funds from the accessible  
26 communities account created in section 2 of this act for travel, per  
27 diem, and reasonable accommodation expenses for the participation of  
28 that committee's members in committee meetings and sponsored  
29 activities.

30 (3) A county establishes that it has an active accessible community  
31 advisory committee by submitting biennial assurances to the governor's  
32 committee on disability issues and employment that:

33 (a) The decision to establish an accessible community advisory  
34 committee was made by the county legislative authority, or by agents or  
35 officers acting under that authority.

36 (b) If an accessible community advisory committee is established by

1 expanding the advisory committee established and maintained under RCW  
2 29A.46.260, the county auditor supports that expansion.

3 (c) Committee members include persons with a diverse range of  
4 disabilities who are knowledgeable in identifying and eliminating  
5 attitudinal, programmatic, communication, and physical barriers  
6 encountered by persons with disabilities.

7 (d) The committee is actively involved in the following activities:  
8 Advising on addressing the needs of persons with disabilities in  
9 emergency plans; advising the county and other local governments within  
10 the county on access to programs services and activities, new  
11 construction or renovation projects, sidewalks, other pedestrian routes  
12 of travel, and disability parking enforcement; and developing local  
13 initiatives and activities to promote greater awareness of disability  
14 issues, and acceptance, involvement, and access for persons with  
15 disabilities within the community.

16 (4) Counties may form joint accessible community advisory  
17 committees, as long as no more than one of the participating counties  
18 has a population greater than seventy thousand.

19 **Sec. 5.** RCW 29A.46.260 and 2006 c 207 s 7 are each amended to read  
20 as follows:

21 (1) The legislature finds that the elimination of polling places  
22 resulting from the transition to vote by mail creates barriers that  
23 restrict the ability of many voters with disabilities from achieving  
24 the independence and privacy in voting provided by the accessible  
25 voting devices required under the help America vote act. Counties  
26 adopting a vote by mail system must take appropriate steps to mitigate  
27 these impacts and to address the obligation to provide voters with  
28 disabilities an equal opportunity to vote independently and privately,  
29 to the extent that this can be achieved without incurring undue  
30 administrative and financial burden.

31 (2) Each county shall establish and maintain an advisory committee  
32 that includes persons with diverse disabilities and persons with  
33 expertise in providing accommodations for persons with disabilities.  
34 The committee shall assist election officials in developing a plan to  
35 identify and implement changes to improve the accessibility of  
36 elections for voters with disabilities. The plan shall include  
37 recommendations for the following:

1 (a) The number of polling places that will be maintained in order  
2 to ensure that people with disabilities have reasonable access to  
3 accessible voting devices, and a written explanation for how the  
4 determination was made;

5 (b) The locations of polling places, drop-off facilities, voting  
6 centers, and other election-related functions necessary to maximize  
7 accessibility to persons with disabilities;

8 (c) Outreach to voters with disabilities on the availability of  
9 disability accommodation, including in-person disability access voting;

10 (d) Transportation of voting devices to locations convenient for  
11 voters with disabilities in order to ensure reasonable access for  
12 voters with disabilities; and

13 (e) Implementation of the provisions of the help America vote act  
14 related to persons with disabilities.

15 Counties must update the plan at least annually. The election  
16 review staff of the secretary of state shall review and evaluate the  
17 plan in conformance with the review procedure identified in RCW  
18 29A.04.570.

19 (3) Counties may form a joint advisory committee to develop the  
20 plan identified in subsection (2) of this section if (~~the total~~  
21 ~~population of the joining counties does not exceed thirty thousand, and~~  
22 ~~the counties are geographically adjacent~~) no more than one of the  
23 participating counties has a population greater than seventy thousand.

24 **Sec. 6.** RCW 46.16.381 and 2007 c 262 s 1 and 2007 c 44 s 1 are  
25 each reenacted and amended to read as follows:

26 (1) The director shall grant special parking privileges to any  
27 person who has a disability that limits or impairs the ability to walk  
28 or involves acute sensitivity to light and meets one of the following  
29 criteria, as determined by a licensed physician, an advanced registered  
30 nurse practitioner licensed under chapter 18.79 RCW, or a physician  
31 assistant licensed under chapter 18.71A or 18.57A RCW:

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

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

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

1 (d) Uses portable oxygen;

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

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

10 (g) Has a disability resulting from an acute sensitivity to  
11 automobile emissions which limits or impairs the ability to walk. The  
12 personal physician, advanced registered nurse practitioner, or  
13 physician assistant of the applicant shall document that the disability  
14 is comparable in severity to the others listed in this subsection;

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

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

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

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

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

34 (4) Whenever the person with disabilities transfers or assigns his  
35 or her interest in the vehicle, the special license plates shall be  
36 removed from the motor vehicle. If another vehicle is acquired by the  
37 person with disabilities and the vehicle owner qualifies for a special  
38 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~~) parking infraction with a monetary penalty of two  
28 hundred fifty dollars. In addition to any penalty or fine imposed  
29 under this subsection, two hundred dollars shall be assessed.

30 (8) It is a parking infraction, with a monetary penalty of two  
31 hundred fifty dollars for a person to park in, block, or otherwise make  
32 inaccessible the access aisle located next to a space reserved for  
33 persons with physical disabilities. In addition to any penalty or fine  
34 imposed under this subsection, two hundred dollars shall be assessed.  
35 The clerk of the court shall report all violations related to this  
36 subsection to the department.

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

18 (10) (~~The penalties~~) (a) The assessment imposed under subsections  
19 (7), (8), and (9) of this section shall be allocated as follows:

20 (i) One hundred dollars shall be deposited in the accessible  
21 communities account created in section 2 of this act; and

22 (ii) One hundred dollars shall be deposited in the multimodal  
23 transportation account under RCW 47.66.070 for the sole purpose of  
24 supplementing a grant program for special needs transportation provided  
25 by transit agencies and nonprofit providers of transportation that is  
26 administered by the department of transportation.

27 (b) Any reduction in any penalty or fine and assessment imposed  
28 under subsections (7), (8), and (9) of this section shall be applied  
29 proportionally between the penalty or fine and the assessment. When a  
30 reduced penalty is imposed under subsection (7), (8), or (9) of this  
31 section, the amount deposited in the accounts identified in (a) of this  
32 subsection shall be reduced equally and proportionally.

33 (c) The penalty or fine amounts shall be used by that local  
34 jurisdiction exclusively for law enforcement. The court may also  
35 impose an additional penalty sufficient to reimburse the local  
36 jurisdiction for any costs it may have incurred in removal and storage  
37 of the improperly parked vehicle.

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

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

12 (b) An agency appointing volunteers under this section must provide  
13 training to the volunteers before authorizing them to issue notices of  
14 infractions.

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

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

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

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

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

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

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

1       **Sec. 7.** RCW 43.79A.040 and 2009 c 87 s 4 are each amended to read  
2 as follows:

3       (1) Money in the treasurer's trust fund may be deposited, invested,  
4 and reinvested by the state treasurer in accordance with RCW 43.84.080  
5 in the same manner and to the same extent as if the money were in the  
6 state treasury.

7       (2) All income received from investment of the treasurer's trust  
8 fund shall be set aside in an account in the treasury trust fund to be  
9 known as the investment income account.

10       (3) The investment income account may be utilized for the payment  
11 of purchased banking services on behalf of treasurer's trust funds  
12 including, but not limited to, depository, safekeeping, and  
13 disbursement functions for the state treasurer or affected state  
14 agencies. The investment income account is subject in all respects to  
15 chapter 43.88 RCW, but no appropriation is required for payments to  
16 financial institutions. Payments shall occur prior to distribution of  
17 earnings set forth in subsection (4) of this section.

18       (4)(a) Monthly, the state treasurer shall distribute the earnings  
19 credited to the investment income account to the state general fund  
20 except under (b) and (c) of this subsection.

21       (b) The following accounts and funds shall receive their  
22 proportionate share of earnings based upon each account's or fund's  
23 average daily balance for the period: The Washington promise  
24 scholarship account, the college savings program account, the  
25 Washington advanced college tuition payment program account, the  
26 accessible communities account, the agricultural local fund, the  
27 American Indian scholarship endowment fund, the foster care scholarship  
28 endowment fund, the foster care endowed scholarship trust fund, the  
29 students with dependents grant account, the basic health plan self-  
30 insurance reserve account, the contract harvesting revolving account,  
31 the Washington state combined fund drive account, the commemorative  
32 works account, the Washington international exchange scholarship  
33 endowment fund, the toll collection account, the developmental  
34 disabilities endowment trust fund, the energy account, the fair fund,  
35 the family leave insurance account, the food animal veterinarian  
36 conditional scholarship account, the fruit and vegetable inspection  
37 account, the future teachers conditional scholarship account, the game  
38 farm alternative account, the GET ready for math and science

1 scholarship account, the grain inspection revolving fund, the juvenile  
2 accountability incentive account, the law enforcement officers' and  
3 firefighters' plan 2 expense fund, the local tourism promotion account,  
4 the pilotage account, the produce railcar pool account, the regional  
5 transportation investment district account, the rural rehabilitation  
6 account, the stadium and exhibition center account, the youth athletic  
7 facility account, the self-insurance revolving fund, the sulfur dioxide  
8 abatement account, the children's trust fund, the Washington horse  
9 racing commission Washington bred owners' bonus fund and breeder awards  
10 account, the Washington horse racing commission class C purse fund  
11 account, the individual development account program account, the  
12 Washington horse racing commission operating account (earnings from the  
13 Washington horse racing commission operating account must be credited  
14 to the Washington horse racing commission class C purse fund account),  
15 the life sciences discovery fund, the Washington state heritage center  
16 account, the reduced cigarette ignition propensity account, and the  
17 reading achievement account. However, the earnings to be distributed  
18 shall first be reduced by the allocation to the state treasurer's  
19 service fund pursuant to RCW 43.08.190.

20 (c) The following accounts and funds shall receive eighty percent  
21 of their proportionate share of earnings based upon each account's or  
22 fund's average daily balance for the period: The advanced right-of-way  
23 revolving fund, the advanced environmental mitigation revolving  
24 account, the city and county advance right-of-way revolving fund, the  
25 federal narcotics asset forfeitures account, the high occupancy vehicle  
26 account, the local rail service assistance account, and the  
27 miscellaneous transportation programs account.

28 (5) In conformance with Article II, section 37 of the state  
29 Constitution, no trust accounts or funds shall be allocated earnings  
30 without the specific affirmative directive of this section.

--- END ---