

HOUSE BILL REPORT

HB 1946

As Reported by House Committee On: Transportation

Title: An act relating to special parking privileges for persons with disabilities.

Brief Description: Concerning special parking privileges for persons with disabilities.

Sponsors: Representatives Hunt and Reykdal.

Brief History:

Committee Activity:

Transportation: 2/27/13, 2/28/13 [DPS].

Brief Summary of Substitute Bill

- Requires that parking placards issued to persons with disabilities include a serial number and expiration date, and that the face of such placards is fully displayed when a vehicle is using special parking privileges for persons with disabilities.
- Clarifies the definitions of "unauthorized use" and "illegal obtainment" of a parking placard or special license plate issued to a person with a disability.
- Adds accessible van rental companies to the list of organizations that may apply for parking placards or special license plates.
- Directs the Department of Licensing to convene a work group to examine the use of special parking privileges for persons with disabilities, and develop a strategic plan to end any abuse of such parking privileges.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Clibborn, Chair; Fey, Vice Chair; Liias, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel, Bergquist, Farrell, Fitzgibbon, Habib, Hayes, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Moeller, Morris, O'Ban, Riccelli, Rodne, Ryu, Sells, Shea, Takko, Tarleton, Upthegrove and Zeiger.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Andrew Russell (786-7143).

Background:

Washington law provides for special parking privileges for persons with disabilities. Qualifying disabilities include a limited ability to walk, the use of portable oxygen, impaired breathing or cardiovascular function, an acute sensitivity to automobile emissions, impaired vision, or a sensitivity to light. To establish such a disability, an applicant must receive a determination by a qualifying medical professional, such as a licensed physician. Providing false information on an application for special parking privileges is a gross misdemeanor. Organizations may also apply for special parking privileges, including public transportation authorities, assisted living facilities, private nonprofit corporations, and registered cabulance companies.

Any person who qualifies for special parking privileges under this section must receive an identification card, and may receive special parking placards, a special parking license plate, or both. These parking placards and special license plates must be displayed on the motor vehicle, entitling persons with disabilities to park in reserved spaces. Additionally, any qualified holder of these parking placards or a special license plate may park free of charge in public parking areas. Parking placards and the identification card must be returned to the Department of Licensing (DOL) upon the placard holder's death.

It is an infraction, however, for a person to park in a space reserved for persons with physical disabilities without displaying the proper plate or placard or to block the access isle located next to a space reserved for persons with physical disabilities. Any unauthorized use of a parking placard, special license plate, or identification card is also an infraction. Each of these infractions carries a total penalty of \$450. Finally, it is an infraction, carrying a penalty of \$250, to illegally obtain a parking placard, special license plate, or identification card.

These parking privileges must be renewed at least every five years.

Summary of Substitute Bill:

Parking placards issued by the DOL must include on the front of the placard a serial number and an expiration date, both of which must be clearly visible from a distance of 10 feet. Additionally, it is a traffic infraction for a person to fail to display the full face of such a placard when parked in a space reserved for persons with disabilities. This infraction carries a total penalty of \$450.

The definition of "unauthorized use" is clarified to include using a parking placard that is expired or counterfeit. "Unauthorized use" also includes using a parking placard or special license plate of an initial holder who is no longer eligible to use the plate or placard. Similarly, the definition of "illegal obtainment" is clarified to include making misrepresentations to a medical professional in order to obtain a parking placard or special license plate, stealing such a parking placard or special license plate, and using the parking placard or special license plate issued to another, even if permitted by the holder, unless it is

being used to transport the person to whom the parking placard or special license plate was issued or it is a placard that was issued to an organization under RWC 46.19.020.

Additionally, accessible van rental companies are added to the list of organizations that may apply for special parking privileges.

Finally, the DOL is directed to establish a work group in order to examine the use of parking placards and special license plates for persons with disabilities. The work group is tasked with developing a strategic plan to end any abuse of these privileges. This plan must include oversight measures that include a random sample program through which a number of parking placard and special license plate issuances are reviewed to confirm that the issuance was proper. Additionally, the plan must include a publicly accessible website on which the validity of parking placards may be checked. Finally, the work group must provide to the Legislature its strategic plan, findings, recommendations, and draft legislation.

Substitute Bill Compared to Original Bill:

The substitute bill adds "accessible van rental companies" to the list of organizations that may apply for special parking privileges. Additionally, the substitute bill makes an exception to the "illegal obtainment" definition, providing that it is not a traffic infraction for a person to use a parking placard that has been issued to an organization, as allowed under the chapter.

The substitute bill also clarifies that a person who fails to fully display his or her parking placard faces a penalty of up to \$450, including the fine for the parking infraction and an additional assessment.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill started as a response to law enforcement having problems seeing the expiration date of these parking placards. Hopefully the work group can make more progress toward ensuring these permits are valid.

This bill will have a great positive fiscal impact to the state. There are some tools in place that regulate parking for disabled persons, but this bill provides more opportunity for enforcement. This bill can also affect international trade by allowing disabled visitors who rent a car to use these placards as well. Currently rental cars cannot obtain a special license plate for disabled parking, forcing people to risk getting a ticket when they visit the state. There are horror stories every day about people not being able to get back into their vehicles because someone blocked the access aisle next to the parking place.

This bill is good because it firms up the penalty, but enforcement is needed. Enforcement is a really big thing; enforcement is needed to train people not to park in handicap spots. This bill will decrease abuse and it will also enforce accountability. The serial number will help make accountability more appropriate.

Using a person's picture instead of a serial number on a parking placard raises concerns on the part of persons with disabilities.

This legislation is important because there are people out there using these placards inappropriately. This deprives the people who need these spots from being able to use them. It also hurts local businesses. Additionally, the work group will help to fully vet ideas to prevent abuse. There are many cases documented and a substantial amount of abuse of these parking privileges. The City of Seattle has conducted studies that have documented that in certain parts of the cities, between 20 and 25 percent of the cars display parking placards. Some areas go as high as 55 percent.

(Opposed) None.

Persons Testifying: Representative Hunt, prime sponsor; Skip Dreps, Paralyzed Veterans of America; Dale Richardson, Access Mobility Systems; Valerie Elliott; Vickie Foster, Seattle Commission for People with Disabilities; Toby Olson, Governor's Committee for Disability Issues; and Craig Engelking and Christina Van Valkenburgh, City of Seattle.

Persons Signed In To Testify But Not Testifying: None.