

SENATE BILL REPORT

ESHB 2463

As of February 25, 2014

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

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

Sponsors: House Committee on Transportation (originally sponsored by Representatives S. Hunt, Johnson, Reykdal, Pike, Clibborn, Orcutt and Freeman).

Brief History: Passed House: 2/17/14, 95-1.

Committee Activity: Transportation: 2/24/14.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: The Department of Licensing (DOL) must grant special parking privileges to a person with a disability who meets at least one condition of a specified list of criteria, as determined by a licensed physician, advanced nurse practitioner, or physician assistant. If a person is granted a special parking privilege, DOL must provide the person with either special license plates or parking placards containing the international symbol of access, and an identification card. However, a person with a disability that is expected to improve within six months may be issued a temporary placard for a period not to exceed six months, and is not eligible for the special license plate.

Parking privileges for persons with disabilities must be renewed at least every five years. Parking placards and identification cards must be immediately returned to DOL upon the placard holder's death. Certain organizations may also apply for special parking privileges and include public transportation authorities; nursing homes, assisted living facilities, and senior citizen centers; private nonprofit corporations; and registered cabulance companies. These organizations are responsible for ensuring that the special placards and license plates are used properly and are responsible for all fines and penalties for improper use.

Knowingly providing false information in the application for special parking privileges for persons with disabilities is a gross misdemeanor. It is a traffic infraction which carries a penalty of \$250 to willfully obtain a special license plate, placard, or identification card for special parking privileges in a manner other than that provided under state law.

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.

Parking placards must hang on the rearview mirror or be displayed on the dashboard. It is a parking infraction with a penalty of \$250 for any person to park a vehicle in a parking place reserved for persons with physical disabilities without a placard or special license plate. In addition to the \$250 penalty, \$200 must be assessed for a combined total penalty of \$450. However, if a person produces a valid placard or special license plate, then the person will be determined to have not committed the infraction.

In 2013 in ESSB 5024, the Legislature directed DOL to convene a workgroup to study disabled placard and special license plate use and to develop a strategic plan to end any abuse. DOL submitted a report containing the workgroup's recommendations to the Legislature in December of 2013.

Summary of Bill: The temporary parking placard period of validity is extended from six months to one year. The format of the parking placard issued by DOL must include a serial number and an expiration date, both of which must be visible from a distance of ten feet. Language regarding when a parking infraction is deemed to not have been committed is modified to require that the person both produce a valid special plate, placard, or year tab and sign a statement under penalty of perjury that the special parking privilege was valid at the time the infraction was issued.

It is a traffic infraction for a person to fail to display the full face of a special parking placard when using the parking privileges. The infraction carries a total penalty of \$450.

The penalty for willfully obtaining a special license plate, placard, special year tab, or identification card in a manner other than that authorized in statute is increased from a traffic infraction to a misdemeanor. It is also a misdemeanor for any person to sell a placard, special license plate, special year tab, or identification card.

A judge may order a person who violates the special parking privileges to surrender that person's placard, special license plate, special year tab, or identification card, unless the case is under appeal.

When determining the validity of a qualifying disability, a health care practitioner must provide a signed authorization on a prescription pad, or office letterhead when the practitioner does not have prescriptive authority. The application for special parking privileges must contain a warning that health care practitioners may be subject to sanctions under the Uniform Disciplinary Act.

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

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2016.

Staff Summary of Public Testimony: PRO: The original bill a number of years ago came from a recommendation of a local parking officer who was frustrated by people not displaying their special placard properly. What we are trying to do is to make sure that the valid users of these plates and placards are the ones that are using the reserved spaces. We slimmed the original House bill down and have addressed the major concerns raised.

We feel that the House bill in its current form is something that we can support. Abuse of the parking privileges associated with disability parking is something we take very seriously and we think this bill takes a number of steps to address that. This bill puts key reforms in place to significantly help with enforcement in the field and is the result of the work of a statewide workgroup recommendation that included some advocates for persons with disabilities. There are currently over 1.2 million placards in circulation statewide and unfortunately placards are easily transferrable between cars and used by people who are not qualified.

Persons Testifying: PRO: Representative Hunt, prime sponsor; Jim Freeburg, National Multiple Sclerosis Society; Toby Olsen, Governor's Committee on Disability Issues and Employment; Scott Plusquellec, city of Seattle