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**SUBSTITUTE HOUSE BILL 1634**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Winsley, Appelwick, Forner, Padden, Vance, Miller, D. Sommers, Tate, Wood, Wynne, Horn, Bowman, Neher, Holland, Moyer, Casada, Mitchell, Paris, Chandler, Ferguson, Betrozoff, Lisk, Cole, Scott, R. Johnson, Kremen, Riley, Ballard and Anderson).

Read first time February 22, 1991.

1            AN ACT Relating to penalties for improper use of parking spaces for  
2 disabled persons; amending RCW 46.16.381; and prescribing penalties.

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

4            **Sec. 1.** RCW 46.16.381 and 1990 c 24 s 1 are each amended to read  
5 as follows:

6            (1) The director shall grant special parking privileges to any  
7 person who meets one of the following criteria:

8            (a) Loss of both lower limbs;

9            (b) Loss of normal or full use of the lower limbs to sufficiently  
10 constitute a severe disability;

11            (c) Is so severely disabled, that the person cannot move without  
12 the aid of crutches or a wheelchair;

13            (d) Loss of both hands;

1 (e) Suffers from lung disease to such an extent that forced  
2 expiratory respiratory volume, when measured by spirometry is less than  
3 one liter per second;

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

7 (g) Has a disability resulting from an acute sensitivity to  
8 automobile emissions which limits or impairs the ability to walk. The  
9 personal physician of the applicant shall document that the disability  
10 is comparable in severity to the others listed in this subsection.

11 (2) Persons with special parking privileges are entitled to receive  
12 from the department of licensing both a special card to be left in a  
13 vehicle in a conspicuous place and, for one motor vehicle only, a decal  
14 to be attached to the vehicle in a conspicuous place designated by the  
15 director. Instead of the decal and regular motor vehicle license  
16 plates, the disabled persons are entitled to receive a special license  
17 plate. The card, decal, and special license plate shall be designed to  
18 show distinguishing marks, letters, or numerals indicating that the  
19 vehicle is being used to transport a disabled person. Persons using  
20 vehicles displaying the special license plate, card, or decal shall be  
21 permitted to park in places otherwise reserved for physically disabled  
22 persons. The director shall also adopt rules providing for the  
23 issuance of special cards to public transportation authorities, nursing  
24 homes licensed under chapter 18.51 RCW, senior citizen centers, and  
25 private nonprofit agencies as defined in chapter 24.03 RCW that  
26 regularly transport disabled persons who have been determined eligible  
27 for special parking privileges provided under this section. The  
28 special card shall be displayed in a vehicle operated when actually  
29 transporting the disabled persons. Public transportation authorities,  
30 nursing homes, senior citizen centers, and private nonprofit agencies

1 are responsible for insuring that the special cards are not used  
2 improperly and are responsible for all fines and penalties for improper  
3 use.

4 (3) Whenever the disabled person transfers or assigns his or her  
5 interest in the vehicle, the special decals or license plate shall be  
6 removed from the motor vehicle. The person shall immediately surrender  
7 the decal to the director together with a notice of the transfer of  
8 interest in the vehicle. If another vehicle is acquired by, or for the  
9 primary use of, the disabled person, a new decal shall be issued by the  
10 director. If another vehicle is acquired by the disabled person and a  
11 special plate is used, the plate shall be attached to the vehicle, and  
12 the director shall be immediately notified of the transfer of the  
13 plate. If another vehicle is not acquired by the disabled person, the  
14 removed plate shall be immediately forwarded to the director to be  
15 reissued later upon payment of the regular registration fee.

16 (4) The special license plate shall be renewed in the same manner  
17 and at the time required for the renewal of regular motor vehicle  
18 license plates under this chapter. No special license plate may be  
19 issued to a person who is temporarily disabled. A person who is  
20 permanently disabled under this section shall be issued a permanent  
21 card. A person who is temporarily disabled under this section shall be  
22 issued a temporary card which shall be renewed, when required by the  
23 director, by satisfactory proof of the right to continued use of the  
24 card.

25 (5) Additional fees shall not be charged for the issuance of the  
26 special card and decal, and, at the time the vehicle is originally  
27 licensed in this state, no additional fee may be charged for the  
28 issuance of the special license plate except the regular motor vehicle  
29 registration fee and any other fees and taxes required to be paid upon  
30 initial registration of a motor vehicle.

1 (6) Any unauthorized use of the special card, the decal, or the  
2 special license plate is a traffic infraction.

3 (7) It is a traffic infraction, with a monetary penalty of (~~not~~  
4 ~~less than fifteen and not more than~~) fifty dollars for any person to  
5 park a vehicle in a parking place provided on private property without  
6 charge or on public property reserved for physically disabled persons  
7 without a special license plate, card, or decal. If a person is  
8 charged with a violation, the person shall not be determined to have  
9 committed an infraction if the person produces in court or before the  
10 court appearance the special license plate, card, or decal required  
11 under this section or demonstrates that the person was entitled to the  
12 special license plate, card, or decal.

13 (8) The portion of any penalty imposed under subsection (7) of this  
14 section that is retained by a local jurisdiction pursuant to RCW  
15 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220 shall be used by  
16 that local jurisdiction exclusively for law enforcement. The court may  
17 also impose an additional penalty sufficient to reimburse the local  
18 jurisdiction for any costs it may have incurred in removal and storage  
19 of the improperly parked vehicle.

20 (9) It is a misdemeanor for any person to willfully obtain a  
21 special decal, license plate, or card in a manner other than that  
22 established under this section.