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**SUBSTITUTE SENATE BILL 6190**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senate Committee on Law & Justice (originally sponsored by Senators Oke, Goings, Bauer, Haugen, Wood and Fraser)

Read first time 02/05/98.

1 AN ACT Relating to special parking privileges for disabled persons;  
2 amending RCW 46.16.381 and 46.61.581; reenacting and amending RCW  
3 46.63.020; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.16.381 and 1995 c 384 s 1 are each amended to read  
6 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 and meets one of the following criteria, as determined by a licensed  
10 physician:

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

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

14 (c) Is so severely disabled, that the person cannot walk without  
15 the use of or assistance from a brace, cane, another person, prosthetic  
16 device, wheelchair, or other assistive device;

17 (d) Uses portable oxygen;

18 (e) Is restricted by lung disease to such an extent that forced  
19 expiratory respiratory volume, when measured by spirometry is less than

1 one liter per second or the arterial oxygen tension is less than sixty  
2 mm/hg on room air at rest;

3 (f) Impairment by cardiovascular disease or cardiac condition to  
4 the extent that the person's functional limitations are classified as  
5 class III or IV under standards accepted by the American Heart  
6 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) The applications for disabled parking permits and temporary  
12 disabled parking permits are official state documents. Providing false  
13 information in conjunction with the application is a gross misdemeanor  
14 punishable under chapter 9A.20 RCW. The following statement must  
15 appear on each application form immediately below the physician's  
16 signature and immediately below the applicant's signature: "A disabled  
17 parking permit may be issued only for a medical necessity that severely  
18 affects mobility (RCW 46.16.381). Providing false information on this  
19 application is a gross misdemeanor. The penalty is up to one year in  
20 jail and a fine of up to \$5,000 or both."

21 (3) Persons who qualify for special parking privileges are entitled  
22 to receive from the department of licensing a removable windshield  
23 placard bearing the international symbol of access and an individual  
24 serial number, along with a special identification card bearing the  
25 photograph, name, and date of birth of the person to whom the placard  
26 is issued, and the placard's serial number. The department shall  
27 design the placard to be prominently displayed when the vehicle is  
28 parked by suspending it from the rearview mirror, or in the absence of  
29 a rearview mirror the card may be displayed on the dashboard of any  
30 vehicle used to transport the disabled person. Instead of regular  
31 motor vehicle license plates, disabled persons are entitled to receive  
32 special license plates bearing the international symbol of access for  
33 one vehicle registered in the disabled person's name. Disabled persons  
34 who are not issued the special license plates are entitled to receive  
35 a second special placard upon submitting a written request to the  
36 department. Persons who have been issued the parking privileges and  
37 who are using a vehicle or are riding in a vehicle displaying the  
38 special license plates or placard may park in places reserved for  
39 mobility disabled persons. The director shall adopt rules providing

1 for the issuance of special placards and license plates to public  
2 transportation authorities, nursing homes licensed under chapter 18.51  
3 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen  
4 centers, private nonprofit agencies as defined in chapter 24.03 RCW,  
5 and vehicles registered with the department as cabulances that  
6 regularly transport disabled persons who have been determined eligible  
7 for special parking privileges provided under this section. The  
8 director may issue special license plates for a vehicle registered in  
9 the name of the public transportation authority, nursing home, boarding  
10 homes, senior citizen center, private nonprofit agency, or cabulance  
11 service if the vehicle is primarily used to transport persons with  
12 disabilities described in this section. Public transportation  
13 authorities, nursing homes, boarding homes, senior citizen centers,  
14 private nonprofit agencies, and cabulance services are responsible for  
15 insuring that the special placards and license plates are not used  
16 improperly and are responsible for all fines and penalties for improper  
17 use.

18 ~~((+3))~~ (4) Whenever the disabled person transfers or assigns his  
19 or her interest in the vehicle, the special license plates shall be  
20 removed from the motor vehicle. If another vehicle is acquired by the  
21 disabled person and the vehicle owner qualifies for a special plate,  
22 the plate shall be attached to the vehicle, and the director shall be  
23 immediately notified of the transfer of the plate. If another vehicle  
24 is not acquired by the disabled person, the removed plate shall be  
25 immediately surrendered to the director.

26 ~~((+4))~~ (5) The special license plate shall be renewed in the same  
27 manner and at the time required for the renewal of regular motor  
28 vehicle license plates under this chapter. No special license plate  
29 may be issued to a person who is temporarily disabled. A person who  
30 has a condition expected to improve within six months may be issued a  
31 temporary placard for a period not to exceed six months. ~~((The  
32 director may issue a second temporary placard during that period if  
33 requested by the person who is temporarily disabled.))~~ If the  
34 condition exists after six months a new temporary placard shall be  
35 issued upon receipt of a new certification from the disabled person's  
36 physician. The permanent parking placard and photo identification card  
37 of a disabled person shall be renewed~~((, when))~~ at least every five  
38 years, as required by the director, by satisfactory proof of the right  
39 to continued use of the privileges. In the event of the permit

1 holder's death, the parking placard and photo identification card must  
2 be immediately surrendered to the department. The department shall  
3 match and purge its disabled permit data base with available death  
4 record information at least every twelve months.

5 ~~((+5))~~ (6) Each person who has been issued a permanent disabled  
6 parking permit on or before July 1, 1998, must renew the permit no  
7 later than July 1, 2003, subject to a schedule to be set by the  
8 department, or the permit will expire.

9 (7) Additional fees shall not be charged for the issuance of the  
10 special placards or the photo identification cards. No additional fee  
11 may be charged for the issuance of the special license plates except  
12 the regular motor vehicle registration fee and any other fees and taxes  
13 required to be paid upon registration of a motor vehicle.

14 ~~((+6))~~ (8) Any unauthorized use of the special placard (~~or the~~),  
15 special license plate, or photo identification card is a  
16 ~~((misdemeanor))~~ traffic infraction with a monetary penalty of two  
17 hundred fifty dollars.

18 ~~((+7))~~ (9) It is a parking infraction, with a monetary penalty of  
19 ~~((one hundred seventy five))~~ two hundred fifty dollars for any person  
20 to park a vehicle in a parking place provided on private property  
21 without charge or on public property reserved for physically disabled  
22 persons without a special license plate or placard. It is a parking  
23 infraction, with a monetary penalty of two hundred fifty dollars for a  
24 person to make inaccessible the access aisle located next to a space  
25 reserved for physically disabled persons. The clerk of the court shall  
26 report all violations related to this subsection to the department. If  
27 a person is charged with a violation, the person shall not be  
28 determined to have committed an infraction if the person produces in  
29 court or before the court appearance the special license plate or  
30 placard required under this section. A local jurisdiction providing  
31 nonmetered, on-street parking places reserved for physically disabled  
32 persons may impose by ordinance time restrictions of no less than four  
33 hours on the use of these parking places. A local jurisdiction may  
34 impose by ordinance time restrictions of no less than four hours on the  
35 use of nonreserved, on-street parking spaces by vehicles displaying the  
36 special parking placards. All time restrictions must be clearly  
37 posted.

38 ~~((+8))~~ (10) The penalty imposed under subsection ~~((+7))~~ (9) of  
39 this section shall be used by that local jurisdiction exclusively for

1 law enforcement. The court may also impose an additional penalty  
2 sufficient to reimburse the local jurisdiction for any costs it may  
3 have incurred in removal and storage of the improperly parked vehicle.

4 ~~((9))~~ (11) Except as provided by subsection (2) of this section,  
5 it is a ~~(misdemeanor)~~ traffic infraction with a monetary penalty of  
6 two hundred fifty dollars for any person ~~(to)~~ willfully to obtain a  
7 special license plate ~~(or)~~, placard, or photo identification card in  
8 a manner other than that established under this section.

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

15 (b) An agency commissioning volunteers under this section must  
16 provide training to the volunteers before authorizing them to issue  
17 notices of infractions.

18 (c) A notice of infraction issued by a volunteer commissioned under  
19 this subsection has the same force and effect as a notice of infraction  
20 issued by a police officer for the same offense.

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

27 (e) A police officer may confiscate the special parking placard and  
28 photo identification card from a person who fraudulently obtains or  
29 uses the placard or photo identification card.

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

33 (a) Community service for a nonprofit organization that serves the  
34 disabled community or persons having disabling diseases; or

35 (b) Any other community service that may sensitize the violator to  
36 the needs and obstacles faced by persons who have disabilities.

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

1       **Sec. 2.** RCW 46.61.581 and 1988 c 74 s 1 are each amended to read  
2 as follows:

3       A parking space or stall for a disabled person shall be indicated  
4 by a vertical sign, between thirty-six and eighty-four inches off the  
5 ground, with the international symbol of access, whose colors are white  
6 on a blue background, described under RCW 70.92.120 and the notice  
7 "State disabled parking permit required."

8       Failure of the person owning or controlling the property where  
9 required parking spaces are located to erect and maintain the sign is  
10 a class ((4)) 2 civil infraction under chapter 7.80 RCW for each  
11 parking space that should be so designated. The person owning or  
12 controlling the property where the required parking spaces are located  
13 shall ensure that the parking spaces are not blocked or made  
14 inaccessible, and failure to do so is a class 2 civil infraction.

15       **Sec. 3.** RCW 46.63.020 and 1997 c 229 s 13 and 1997 c 66 s 8 are  
16 each reenacted and amended to read as follows:

17       Failure to perform any act required or the performance of any act  
18 prohibited by this title or an equivalent administrative regulation or  
19 local law, ordinance, regulation, or resolution relating to traffic  
20 including parking, standing, stopping, and pedestrian offenses, is  
21 designated as a traffic infraction and may not be classified as a  
22 criminal offense, except for an offense contained in the following  
23 provisions of this title or a violation of an equivalent administrative  
24 regulation or local law, ordinance, regulation, or resolution:

25       (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
26 vehicle while under the influence of intoxicating liquor or a  
27 controlled substance;

28       (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

29       (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
30 while under the influence of intoxicating liquor or narcotics or  
31 habit-forming drugs or in a manner endangering the person of another;

32       (4) RCW 46.10.130 relating to the operation of snowmobiles;

33       (5) Chapter 46.12 RCW relating to certificates of ownership and  
34 registration and markings indicating that a vehicle has been destroyed  
35 or declared a total loss;

36       (6) RCW 46.16.010 relating to initial registration of motor  
37 vehicles;

1 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
2 drive;

3 (8) RCW 46.16.160 relating to vehicle trip permits;

4 (9) RCW 46.16.381 (~~((6) or (9))~~) (2) relating to (~~(unauthorized use~~  
5 ~~or acquisition of)~~) providing false information in conjunction with an  
6 application for a special placard or license plate for disabled  
7 persons' parking;

8 (10) RCW 46.20.005 relating to driving without a valid driver's  
9 license;

10 (11) RCW 46.20.091 relating to false statements regarding a  
11 driver's license or instruction permit;

12 (12) RCW 46.20.336 relating to the unlawful possession and use of  
13 a driver's license;

14 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
15 license or status;

16 (14) RCW 46.20.410 relating to the violation of restrictions of an  
17 occupational driver's license;

18 (15) RCW 46.20.420 relating to the operation of a motor vehicle  
19 with a suspended or revoked license;

20 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
21 an ignition interlock device in violation of a license notation that  
22 the device is required;

23 (17) RCW 46.20.750 relating to assisting another person to start a  
24 vehicle equipped with an ignition interlock device;

25 (18) RCW 46.25.170 relating to commercial driver's licenses;

26 (19) Chapter 46.29 RCW relating to financial responsibility;

27 (20) RCW 46.30.040 relating to providing false evidence of  
28 financial responsibility;

29 (21) RCW 46.37.435 relating to wrongful installation of  
30 sunscreening material;

31 (22) RCW 46.44.180 relating to operation of mobile home pilot  
32 vehicles;

33 (23) RCW 46.48.175 relating to the transportation of dangerous  
34 articles;

35 (24) RCW 46.52.010 relating to duty on striking an unattended car  
36 or other property;

37 (25) RCW 46.52.020 relating to duty in case of injury to or death  
38 of a person or damage to an attended vehicle;

1 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,  
2 and appraisers;  
3 (27) RCW 46.52.100 relating to driving under the influence of  
4 liquor or drugs;  
5 (28) RCW 46.52.130 relating to confidentiality of the driving  
6 record to be furnished to an insurance company, an employer, and an  
7 alcohol/drug assessment or treatment agency;  
8 (29) RCW 46.55.020 relating to engaging in the activities of a  
9 registered tow truck operator without a registration certificate;  
10 (30) RCW 46.55.035 relating to prohibited practices by tow truck  
11 operators;  
12 (31) RCW 46.61.015 relating to obedience to police officers,  
13 flagmen, or fire fighters;  
14 (32) RCW 46.61.020 relating to refusal to give information to or  
15 cooperate with an officer;  
16 (33) RCW 46.61.022 relating to failure to stop and give  
17 identification to an officer;  
18 (34) RCW 46.61.024 relating to attempting to elude pursuing police  
19 vehicles;  
20 (35) RCW 46.61.500 relating to reckless driving;  
21 (36) RCW 46.61.502 and 46.61.504 relating to persons under the  
22 influence of intoxicating liquor or drugs;  
23 (37) RCW 46.61.503 relating to a person under age twenty-one  
24 driving a motor vehicle after consuming alcohol;  
25 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;  
26 (39) RCW 46.61.522 relating to vehicular assault;  
27 (40) RCW 46.61.5249 relating to first degree negligent driving;  
28 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway  
29 workers;  
30 (42) RCW 46.61.530 relating to racing of vehicles on highways;  
31 (43) RCW 46.61.685 relating to leaving children in an unattended  
32 vehicle with the motor running;  
33 (44) RCW 46.64.010 relating to unlawful cancellation of or attempt  
34 to cancel a traffic citation;  
35 (45) RCW 46.64.048 relating to attempting, aiding, abetting,  
36 coercing, and committing crimes;  
37 (46) Chapter 46.65 RCW relating to habitual traffic offenders;  
38 (47) RCW 46.68.010 relating to false statements made to obtain a  
39 refund;

1 (48) Chapter 46.70 RCW relating to unfair motor vehicle business  
2 practices, except where that chapter provides for the assessment of  
3 monetary penalties of a civil nature;  
4 (49) Chapter 46.72 RCW relating to the transportation of passengers  
5 in for hire vehicles;  
6 (50) RCW 46.72A.060 relating to limousine carrier insurance;  
7 (51) RCW 46.72A.070 relating to operation of a limousine without a  
8 vehicle certificate;  
9 (52) RCW 46.72A.080 relating to false advertising by a limousine  
10 carrier;  
11 (53) Chapter 46.80 RCW relating to motor vehicle wreckers;  
12 (54) Chapter 46.82 RCW relating to driver's training schools;  
13 (55) RCW 46.87.260 relating to alteration or forgery of a cab card,  
14 letter of authority, or other temporary authority issued under chapter  
15 46.87 RCW;  
16 (56) RCW 46.87.290 relating to operation of an unregistered or  
17 unlicensed vehicle under chapter 46.87 RCW.

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