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SENATE BILL 6685

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State of Washington

54th Legislature

1996 Regular Session

By Senators Kohl, Owen, Prince and Fairley

Read first time 01/23/96. Referred to Committee on Transportation.

1 AN ACT Relating to public transportation systems; adding a new  
2 chapter to Title 47 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** In order to provide more adequate access to  
5 transportation services for persons with disabilities having special  
6 transportation needs, and to more efficiently utilize public and  
7 private funds expended for that purpose, all agencies or authorities  
8 that assist or provide special transportation services are required to  
9 share authorized health care information to provide efficient  
10 application and certification processes for paratransit riders who wish  
11 to ride in more than one agency's or authority's jurisdiction. The  
12 agency or authority must:

13 (1) Adopt a process for persons with paratransit eligibility to  
14 authorize disclosure of health care information; and

15 (2) Develop an integrated system of special transportation,  
16 providing efficient application and certification processes for  
17 interagency transportation of paratransit eligible persons.

1        NEW SECTION.     **Sec. 2.**     Unless the context clearly requires  
2 otherwise, the definitions in this section apply throughout this  
3 chapter:

4        (1) "Interagency trip" means a trip that involves more than one  
5 public transportation provider and may require a transfer between  
6 vehicles from one public transportation provider to the vehicle of  
7 another public transportation provider.

8        (2) "Paratransit eligibility" means a person certified as eligible  
9 for paratransit service under the Americans with Disabilities Act by a  
10 public transportation provider, consistent with 49 C.F.R. Sec. 37.123  
11 and 37.125 (1995), as existing on the effective date of this act.

12        (3) "Special transportation service" means motor vehicle  
13 transportation provided on a regular basis by a public or private  
14 entity or person for compensation that is designated exclusively or  
15 primarily to serve individuals who are handicapped and are unable to  
16 use regular means of transportation. Special transportation service  
17 includes, but is not limited to, service provided by specially equipped  
18 buses, vans, and ferries.

19        NEW SECTION.     **Sec. 3.**     (1) A person with paratransit eligibility  
20 may authorize a special transportation service provider to disclose the  
21 person's health care information to another special transportation  
22 service provider. A special transportation service provider shall  
23 honor an authorization and, if requested, provide a copy of the  
24 recorded health care information to the special transportation provider  
25 or applicant.

26        (2) In order to be valid, a health care disclosure authorization to  
27 a special transportation service provider shall:

- 28        (a) Identify the person with paratransit eligibility;
- 29        (b) Identify the nature of the information to be disclosed;
- 30        (c) Identify the special transportation service providers to whom  
31 the information is to be disclosed;
- 32        (d) Identify the provider who is to make the disclosure; and
- 33        (e) Be in writing, dated, and signed by the applicant.

34        (3) Except as provided by this chapter, the signing of an  
35 authorization by a person with paratransit eligibility is not a waiver  
36 of any rights the person has under other statutes, the rules of  
37 evidence, or common law.

1        NEW SECTION.    **Sec. 4.**    A person with paratransit eligibility may  
2    revoke in writing a health care disclosure authorization to a special  
3    transportation service provider. A person with paratransit eligibility  
4    may not maintain an action against a special transportation service  
5    provider for disclosures made in good faith reliance on an  
6    authorization if the special transportation service provider had no  
7    actual notice of the revocation of the authorization.

8        NEW SECTION.    **Sec. 5.**    The department of transportation, in  
9    conjunction with the Puget Sound regional council, shall evaluate the  
10   feasibility of a state-wide permit for paratransit riders and its  
11   relation to the smart card. The permit would provide for a single  
12   application process and uniform eligibility criteria, allowing  
13   paratransit riders to travel in or through any jurisdiction. The  
14   department of transportation, in conjunction with the Puget Sound  
15   regional council, shall also evaluate the feasibility of cross agency  
16   coordination of special transportation services. Findings and progress  
17   reports shall be reported to the legislative transportation committee  
18   by January 1, 1997.

19        NEW SECTION.    **Sec. 6.**    Sections 1 through 4 of this act shall  
20   constitute a new chapter in Title 47 RCW.

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