

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5873

54th Legislature
1995 Regular Session

Passed by the Senate April 23, 1995
YEAS 45 NAYS 0

President of the Senate

Passed by the House April 23, 1995
YEAS 92 NAYS 1

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5873** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5873

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By Senators Fairley, Owen, Fraser, Smith, Prentice, Kohl and Oke

Read first time 02/10/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to raising the fine for parking in places reserved
2 for physically disabled persons; amending RCW 46.16.381 and 46.08.150;
3 and prescribing penalties.

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

5 **Sec. 1.** RCW 46.16.381 and 1994 c 194 s 6 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) Persons who qualify for special parking privileges are entitled
12 to receive from the department of licensing a removable windshield
13 placard bearing the international symbol of access. The department
14 shall design the placard to be displayed when the vehicle is parked by
15 suspending it from the rearview mirror, or in the absence of a rearview
16 mirror the card may be displayed on the dashboard of any vehicle used
17 to transport the disabled person. Instead of regular motor vehicle
18 license plates, disabled persons are entitled to receive special
19 license plates bearing the international symbol of access for one
20 vehicle registered in the disabled person's name. Disabled persons who
21 are not issued the special license plates are entitled to receive a
22 second special placard. Persons who have been issued the parking
23 privileges and who are using a vehicle or are riding in a vehicle
24 displaying the special license plates or placard may park in places
25 reserved for mobility disabled persons. The director shall adopt rules
26 providing for the issuance of special placards and license plates to
27 public transportation authorities, nursing homes licensed under chapter
28 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior
29 citizen centers, private nonprofit agencies as defined in chapter 24.03
30 RCW, and vehicles registered with the department as cabulances that
31 regularly transport disabled persons who have been determined eligible
32 for special parking privileges provided under this section. The
33 director may issue special license plates for a vehicle registered in
34 the name of the public transportation authority, nursing home, boarding
35 homes, senior citizen center, private nonprofit agency, or cabulance
36 service if the vehicle is primarily used to transport persons with
37 disabilities described in this section. Public transportation
38 authorities, nursing homes, boarding homes, senior citizen centers,
39 private nonprofit agencies, and cabulance services are responsible for

1 insuring that the special placards and license plates 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 license plates shall be removed
6 from the motor vehicle. If another vehicle is acquired by the disabled
7 person and the vehicle owner qualifies for a special plate, the plate
8 shall be attached to the vehicle, and the director shall be immediately
9 notified of the transfer of the plate. If another vehicle is not
10 acquired by the disabled person, the removed plate shall be immediately
11 surrendered to the director.

12 (4) The special license plate shall be renewed in the same manner
13 and at the time required for the renewal of regular motor vehicle
14 license plates under this chapter. No special license plate may be
15 issued to a person who is temporarily disabled. A person who has a
16 condition expected to improve within six months may be issued a
17 temporary placard for a period not to exceed six months. The director
18 may issue a second temporary placard during that period if requested by
19 the person who is temporarily disabled. If the condition exists after
20 six months a new temporary placard shall be issued upon receipt of a
21 new certification from the disabled person's physician. The parking
22 placard of a disabled person shall be renewed, when required by the
23 director, by satisfactory proof of the right to continued use of the
24 privileges.

25 (5) Additional fees shall not be charged for the issuance of the
26 special placards. No additional fee may be charged for the issuance of
27 the special license plates except the regular motor vehicle
28 registration fee and any other fees and taxes required to be paid upon
29 registration of a motor vehicle.

30 (6) Any unauthorized use of the special placard or the special
31 license plate is a misdemeanor.

32 (7) It is a (~~traffic~~) parking infraction, with a monetary penalty
33 of (~~fifty~~) one hundred seventy-five dollars for any person to park a
34 vehicle in a parking place provided on private property without charge
35 or on public property reserved for physically disabled persons without
36 a special license plate or placard. If a person is charged with a
37 violation, the person shall not be determined to have committed an
38 infraction if the person produces in court or before the court
39 appearance the special license plate or placard required under this

1 section. A local jurisdiction providing on-street parking places
2 reserved for physically disabled persons may impose by ordinance time
3 restrictions on the use of these parking places.

4 (8) The ~~((portion of a))~~ penalty imposed under subsection (7) of
5 this section ~~((that is retained by a local jurisdiction under RCW
6 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220))~~ shall be used by
7 that local jurisdiction exclusively for law enforcement. The court may
8 also impose an additional penalty sufficient to reimburse the local
9 jurisdiction for any costs it may have incurred in removal and storage
10 of the improperly parked vehicle.

11 (9) It is a misdemeanor for any person to willfully obtain a
12 special license plate or placard in a manner other than that
13 established under this section.

14 **Sec. 2.** RCW 46.08.150 and 1961 c 12 s 46.08.150 are each amended
15 to read as follows:

16 The director of general administration shall have power to devise
17 and promulgate rules and regulations for the control of vehicular and
18 pedestrian traffic and the parking of motor vehicles on the state
19 capitol grounds. However, the monetary penalty for parking a motor
20 vehicle without a valid special license plate or placard in a parking
21 place reserved for physically disabled persons shall be the same as
22 provided in RCW 46.16.381. Such rules and regulations shall be
23 promulgated by publication in one issue of a newspaper published at the
24 state capitol and shall be given such further publicity as the director
25 may deem proper.

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