

SENATE BILL REPORT

SB 6190

As Reported By Senate Committee On:
Law & Justice, February 4, 1998
Transportation, February 9, 1998

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

Brief Description: Strengthening laws on disabled persons' parking permits.

Sponsors: Senators Oke, Goings, Bauer, Haugen, Wood and Fraser.

Brief History:

Committee Activity: Law & Justice: 1/29/98, 2/4/98 [DPS-TRAN].
Transportation: 2/9/98 [DP2S].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6190 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation.

Signed by Senators Roach, Chair; Fairley, Hargrove, Kline, Long, McCaslin, Stevens, Thibaudeau and Zarelli.

Staff: Dick Armstrong (786-7460)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Second Substitute Senate Bill No. 6190 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice and Rasmussen.

Staff: Reema Shawa (786-7301)

Background: The disabled parking placard was created to respond to the unique needs of individuals with disabilities that limit or impair their ability to walk. When the parking placard is displayed on a vehicle's rearview mirror, the vehicle is entitled to free, unlimited on-street parking and may be parked in spaces reserved for permit holders. Because the placard has no identification qualities which would link it to the legal permit holder, the fraudulent use of disabled parking placards may be quite widespread particularly in urban areas where parking places are scarce and expensive.

Due to other law enforcement priorities, violations of the disabled parking statutes are not strictly enforced. Additionally, the penalty for fraudulent obtainment or misuse of a parking placard is only a misdemeanor which may lessen the incentive for those in the criminal justice system to actively pursue such violators.

It has been suggested that the disabled parking statutes need to be rewritten to provide greater permit identification, stricter issuance and renewal procedures, revised penalties, and more options for local government enforcement.

Summary of Second Substitute Bill: Each permit holder receives a parking placard and an identification card bearing the picture, name and date of birth of the permit holder, as well as the placard's serial number.

Permanent permit holders are required to submit a written request to receive an additional parking placard. Temporary permit holders are not eligible to receive additional placards. For permanent permits, a five-year maximum permit renewal cycle is required. The Department of Licensing is required to verify the status of permit holders by matching their disabled permit database with available death record information. Based on the results, the database will be purged of all permits belonging to deceased permit holders.

Unauthorized use of a parking placard, license plate or picture identification card is a traffic infraction with a monetary penalty of \$250. Obtaining a parking placard, license plate or identification card in a manner other than that established under law is a traffic infraction with a monetary penalty of \$250. Blocking the access isle located adjacent to a space reserved for physically disabled persons is a parking infraction with a monetary penalty of \$250. The fine for parking in a disabled parking place is increased to \$250. Second or subsequent violations of disabled parking laws carries the additional penalty of serving a minimum of 40 hours of community service. Failure of a property owner to sign and/or maintain parking spaces reserved for physically disabled persons is a class 2 civil infraction. Failure to ensure that the parking spaces are accessible is a class 2 civil infraction as well. Knowingly providing false information on a disabled parking permit application is a gross misdemeanor with a penalty of up to one year in jail and a fine of up to \$5,000 or both. The court may not suspend more than one half of the amount of most fines.

Local law enforcement agencies are authorized to commission volunteers to issue notices of infractions for violations of disabled parking laws. Police may confiscate the placards of persons who violate the statute. Local jurisdictions are authorized to impose, by ordinance, time restrictions of no less than four hours on the use of on-street parking spots by vehicles displaying a parking placard. A minimum time limit standard for the use of on-street parking spaces reserved for physically disabled persons is set at four hours. It is required that all time restrictions be clearly posted.

Second Substitute Bill Compared to Substitute Bill: Language relating to the access isle and the penalty for blocking it is removed from subsection (9) and is made its own subsection. This was done to ensure that the penalty could not be dismissed in court if the person possessed a disabled parking permit.

The word knowingly– was re-inserted in subsection 2 to ensure that in order to be in violation, the applicant and/or physician must knowingly– provide false information, as opposed to just providing false information, knowingly or not.

Substitute Bill Compared to Original Bill: Providing false information on an application for a disabled parking permit does not have to be done knowingly.– The fine for parking in a disabled parking place is increased from \$175 to \$250. The fine for making inaccessible

the access aisle located next to a disabled parking place is increased from \$175 to \$250. The court may not suspend more than one half of the amount of most fines under the bill. Volunteers are not authorized to confiscate placards for violations of the statute. Volunteers must be commissioned, not appointed.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Law and Justice): A lot of work has gone into the bill. The bill will make for a better system of allowing for persons with disabilities to use existing parking places. It will eliminate fraud and deception by persons who are not eligible for a placard. The use of volunteers will allow for better enforcement of the disabled parking statute. The identification card will hopefully eliminate much of the fraud by non-disabled persons. In some jurisdictions, it is estimated that the fraud rate approximates 50 percent.

Testimony Against (Law and Justice): None.

Testified (Law and Justice): Senator Oke, prime sponsor, and over 20 persons representing the disabled community, veterans, and law enforcement.

Testimony For (Transportation): This is a strong piece of legislation which will help to ensure that the parking placards are used legitimately. Urged the passage of the bill.

Testimony Against (Transportation): None.

Testified (Transportation): PRO: Senator Oke, prime sponsor; Toby Olson, Governor's Committee on Disability; Cherie Tessier, People First of WA.