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**SUBSTITUTE HOUSE BILL 2442**

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**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** House Committee on Transportation Policy & Budget (originally sponsored by Representatives Scott, Robertson, Mitchell, Hatfield, Radcliff, Fisher, Cooper, O'Brien, K. Schmidt, B. Thomas, L. Thomas, Cooke, Zellinsky, Backlund and Carlson)

Read first time 02/02/98. Referred to Committee on .

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. Knowingly  
13 providing false information in conjunction with the application is a  
14 gross misdemeanor punishable under chapter 9A.20 RCW. The following  
15 statement must appear on each application form immediately below the  
16 physician's signature and immediately below the applicant's signature:  
17 "A disabled parking permit may be issued only for a medical necessity  
18 that severely affects mobility (RCW 46.16.381). Knowingly providing  
19 false information on this application is a gross misdemeanor. The  
20 penalty is up to one year in jail and a fine of up to \$5,000 or both."

21 (3) Those individuals who have one or both legs amputated and do  
22 not use a prosthetic device are exempt from the physician certification  
23 requirement necessary to receive special parking privileges. In order  
24 to qualify for special parking privileges, leg amputees must apply at  
25 a licensing office and the licensing office supervisor must visually  
26 confirm the amputation. Based on this confirmation, the certification  
27 of the person's disability is satisfied.

28 (4) Persons who qualify for special parking privileges are entitled  
29 to receive from the department of licensing a removable windshield  
30 placard bearing the international symbol of access and an individual  
31 serial number, along with a special identification card bearing the  
32 photograph and name of the person to whom the placard is issued, and  
33 the placard's serial number. The department shall design the placard  
34 to be displayed when the vehicle is parked by suspending it from the  
35 rearview mirror, or in the absence of a rearview mirror the card may be  
36 displayed on the dashboard of any vehicle used to transport the  
37 disabled person. Instead of regular motor vehicle license plates,  
38 disabled persons are entitled to receive special license plates bearing  
39 the international symbol of access for one vehicle registered in the

1 disabled person's name. Disabled persons who are not issued the  
2 special license plates are entitled to receive a second special placard  
3 upon submitting a written request to the department. Persons who have  
4 been issued the parking privileges and who are using a vehicle or are  
5 riding in a vehicle displaying the special license plates or placard  
6 may park in places reserved for mobility disabled persons. The  
7 director shall adopt rules providing for the issuance of special  
8 placards and license plates to public transportation authorities,  
9 nursing homes licensed under chapter 18.51 RCW, boarding homes licensed  
10 under chapter 18.20 RCW, senior citizen centers, private nonprofit  
11 agencies as defined in chapter 24.03 RCW, and vehicles registered with  
12 the department as cabulances that regularly transport disabled persons  
13 who have been determined eligible for special parking privileges  
14 provided under this section. The director may issue special license  
15 plates for a vehicle registered in the name of the public  
16 transportation authority, nursing home, boarding homes, senior citizen  
17 center, private nonprofit agency, or cabulance service if the vehicle  
18 is primarily used to transport persons with disabilities described in  
19 this section. Public transportation authorities, nursing homes,  
20 boarding homes, senior citizen centers, private nonprofit agencies, and  
21 cabulance services are responsible for insuring that the special  
22 placards and license plates are not used improperly and are responsible  
23 for all fines and penalties for improper use.

24 ~~((+3))~~ (5) Whenever the disabled person transfers or assigns his  
25 or her interest in the vehicle, the special license plates shall be  
26 removed from the motor vehicle. If another vehicle is acquired by the  
27 disabled person and the vehicle owner qualifies for a special plate,  
28 the plate shall be attached to the vehicle, and the director shall be  
29 immediately notified of the transfer of the plate. If another vehicle  
30 is not acquired by the disabled person, the removed plate shall be  
31 immediately surrendered to the director.

32 ~~((+4))~~ (6) The special license plate shall be renewed in the same  
33 manner and at the time required for the renewal of regular motor  
34 vehicle license plates under this chapter. No special license plate  
35 may be issued to a person who is temporarily disabled. A person who  
36 has a condition expected to improve within six months may be issued a  
37 temporary placard for a period not to exceed six months. ~~((The  
38 director may issue a second temporary placard during that period if  
39 requested by the person who is temporarily disabled.))~~ If the

1 condition exists after six months a new temporary placard shall be  
2 issued upon receipt of a new certification from the disabled person's  
3 physician. The permanent parking placard and photo identification card  
4 of a disabled person shall be renewed(~~(, when)~~) at least every five  
5 years, as required by the director, by satisfactory proof of the right  
6 to continued use of the privileges. In the event of the permit  
7 holder's death, the parking placard and photo identification card must  
8 be immediately surrendered to the department. The department shall  
9 match and purge its disabled permit data base with available death  
10 record information at least every twelve months.

11 ~~((+5+))~~ (7) Each person who has been issued a permanent disabled  
12 parking permit on or before July 1, 1998, must renew the permit no  
13 later than July 1, 2003, subject to a schedule to be set by the  
14 department, or the permit will expire.

15 (8) Additional fees shall not be charged for the issuance of the  
16 special placards or the photo identification cards. No additional fee  
17 may be charged for the issuance of the special license plates except  
18 the regular motor vehicle registration fee and any other fees and taxes  
19 required to be paid upon registration of a motor vehicle.

20 ~~((+6+))~~ (9) Any unauthorized use of the special placard (~~or the~~),  
21 special license plate, or photo identification card is a  
22 (~~misdemeanor~~) traffic infraction with a monetary penalty of two  
23 hundred fifty dollars.

24 ~~((+7+))~~ (10) It is a parking infraction, with a monetary penalty of  
25 one hundred seventy-five dollars for a person to make inaccessible the  
26 access aisle located next to a space reserved for physically disabled  
27 persons. The clerk of the court shall report all violations related to  
28 this subsection to the department.

29 (11) It is a parking infraction, with a monetary penalty of one  
30 hundred seventy-five dollars for any person to park a vehicle in a  
31 parking place provided on private property without charge or on public  
32 property reserved for physically disabled persons without a special  
33 license plate or placard. If a person is charged with a violation, the  
34 person shall not be determined to have committed an infraction if the  
35 person produces in court or before the court appearance the special  
36 license plate or placard required under this section. A local  
37 jurisdiction providing nonmetered, on-street parking places reserved  
38 for physically disabled persons may impose by ordinance time  
39 restrictions of no less than four hours on the use of these parking

1 places. A local jurisdiction may impose by ordinance time restrictions  
2 of no less than four hours on the use of nonreserved, on-street parking  
3 spaces by vehicles displaying the special parking placards. All time  
4 restrictions must be clearly posted.

5 ~~((+8))~~ (12) The ~~((penalty))~~ penalties imposed under subsections  
6 ~~((+7))~~ (10) and (11) of this section shall be used by that local  
7 jurisdiction exclusively for law enforcement. The court may also  
8 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))~~ (13) Except as provided by subsection (2) of this section,  
12 it is a ~~((misdemeanor))~~ traffic infraction with a monetary penalty of  
13 two hundred fifty dollars for any person ~~((to))~~ willfully to obtain a  
14 special license plate ~~((or))~~, placard, or photo identification card in  
15 a manner other than that established under this section.

16 (14)(a) A law enforcement agency authorized to enforce parking laws  
17 may appoint volunteers to issue notices of infractions for violations  
18 of this section or RCW 46.61.581. Volunteers must be at least twenty-  
19 one years of age. The law enforcement agency appointing volunteers may  
20 establish any other qualifications the agency deems desirable.

21 (b) An agency appointing volunteers under this section must provide  
22 training to the volunteers before authorizing them to issue notices of  
23 infractions.

24 (c) A notice of infraction issued by a volunteer appointed under  
25 this subsection has the same force and effect as a notice of infraction  
26 issued by a police officer for the same offense.

27 (d) A police officer or a volunteer may request a person to show  
28 the person's photo identification card or special parking placard when  
29 investigating the possibility of a violation of this section. If the  
30 request is refused, the person in charge of the vehicle may be issued  
31 a notice of infraction for a violation of this section.

32 (e) A police officer or a volunteer may confiscate the special  
33 parking placard and photo identification card from a person who  
34 fraudulently obtains or uses the placard or photo identification card.

35 (15) For second or subsequent violations of this section, in  
36 addition to a monetary fine, the violator must complete a minimum of  
37 forty hours of:

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

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

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

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

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

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

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

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

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

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

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

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

1 (6) RCW 46.16.010 relating to initial registration of motor  
2 vehicles;

3 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
4 drive;

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

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

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

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

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

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

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

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

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

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

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

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

29 (20) RCW 46.30.040 relating to providing false evidence of  
30 financial responsibility;

31 (21) RCW 46.37.435 relating to wrongful installation of  
32 sunscreening material;

33 (22) RCW 46.44.180 relating to operation of mobile home pilot  
34 vehicles;

35 (23) RCW 46.48.175 relating to the transportation of dangerous  
36 articles;

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

- 1 (25) RCW 46.52.020 relating to duty in case of injury to or death  
2 of a person or damage to an attended vehicle;
- 3 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,  
4 and appraisers;
- 5 (27) RCW 46.52.100 relating to driving under the influence of  
6 liquor or drugs;
- 7 (28) RCW 46.52.130 relating to confidentiality of the driving  
8 record to be furnished to an insurance company, an employer, and an  
9 alcohol/drug assessment or treatment agency;
- 10 (29) RCW 46.55.020 relating to engaging in the activities of a  
11 registered tow truck operator without a registration certificate;
- 12 (30) RCW 46.55.035 relating to prohibited practices by tow truck  
13 operators;
- 14 (31) RCW 46.61.015 relating to obedience to police officers,  
15 flagmen, or fire fighters;
- 16 (32) RCW 46.61.020 relating to refusal to give information to or  
17 cooperate with an officer;
- 18 (33) RCW 46.61.022 relating to failure to stop and give  
19 identification to an officer;
- 20 (34) RCW 46.61.024 relating to attempting to elude pursuing police  
21 vehicles;
- 22 (35) RCW 46.61.500 relating to reckless driving;
- 23 (36) RCW 46.61.502 and 46.61.504 relating to persons under the  
24 influence of intoxicating liquor or drugs;
- 25 (37) RCW 46.61.503 relating to a person under age twenty-one  
26 driving a motor vehicle after consuming alcohol;
- 27 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- 28 (39) RCW 46.61.522 relating to vehicular assault;
- 29 (40) RCW 46.61.5249 relating to first degree negligent driving;
- 30 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway  
31 workers;
- 32 (42) RCW 46.61.530 relating to racing of vehicles on highways;
- 33 (43) RCW 46.61.685 relating to leaving children in an unattended  
34 vehicle with the motor running;
- 35 (44) RCW 46.64.010 relating to unlawful cancellation of or attempt  
36 to cancel a traffic citation;
- 37 (45) RCW 46.64.048 relating to attempting, aiding, abetting,  
38 coercing, and committing crimes;
- 39 (46) Chapter 46.65 RCW relating to habitual traffic offenders;



1 (47) RCW 46.68.010 relating to false statements made to obtain a  
2 refund;  
3 (48) Chapter 46.70 RCW relating to unfair motor vehicle business  
4 practices, except where that chapter provides for the assessment of  
5 monetary penalties of a civil nature;  
6 (49) Chapter 46.72 RCW relating to the transportation of passengers  
7 in for hire vehicles;  
8 (50) RCW 46.72A.060 relating to limousine carrier insurance;  
9 (51) RCW 46.72A.070 relating to operation of a limousine without a  
10 vehicle certificate;  
11 (52) RCW 46.72A.080 relating to false advertising by a limousine  
12 carrier;  
13 (53) Chapter 46.80 RCW relating to motor vehicle wreckers;  
14 (54) Chapter 46.82 RCW relating to driver's training schools;  
15 (55) RCW 46.87.260 relating to alteration or forgery of a cab card,  
16 letter of authority, or other temporary authority issued under chapter  
17 46.87 RCW;  
18 (56) RCW 46.87.290 relating to operation of an unregistered or  
19 unlicensed vehicle under chapter 46.87 RCW.

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