

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1711

Chapter 390, Laws of 2005

(partial veto)

59th Legislature
2005 Regular Session

PARKING--PERSONS WITH DISABILITIES

EFFECTIVE DATE: 7/24/05

Passed by the House April 18, 2005
Yeas 95 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2005
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved May 11, 2005, with the
exception of Section 6, which is vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1711** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 11, 2005 - 1:33 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1711

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Wallace, Woods, Simpson, Morrell, Lovick, Flannigan, Chase, Moeller and Kilmer)

READ FIRST TIME 03/08/05.

1 AN ACT Relating to parking places for persons with disabilities;
2 amending RCW 46.61.581, 46.16.381, 46.16.385, and 46.16.390; and
3 reenacting and amending RCW 46.55.113 and 73.04.110.

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

5 **Sec. 1.** RCW 46.61.581 and 1998 c 294 s 2 are each amended to read
6 as follows:

7 A parking space or stall for a ~~((disabled))~~ person with a
8 disability shall be indicated by a vertical sign(~~(, between thirty six~~
9 ~~and eighty four inches off the ground,)~~) with the international symbol
10 of access, whose colors are white on a blue background, described under
11 RCW 70.92.120 ~~((and the notice "State disabled parking permit~~
12 ~~required."))~~. The sign may include additional language such as, but
13 not limited to, an indication of the amount of the monetary penalty
14 defined in RCW 46.16.381 for parking in the space without a valid
15 permit.

16 Failure of the person owning or controlling the property where
17 required parking spaces are located to erect and maintain the sign is
18 a class 2 civil infraction under chapter 7.80 RCW for each parking
19 space that should be so designated. The person owning or controlling
1 the property where the required parking spaces are located shall ensure
2 that the parking spaces are not blocked or made inaccessible, and

3 failure to do so is a class 2 civil infraction.

4 **Sec. 2.** RCW 46.16.381 and 2004 c 222 s 2 are each amended to read
5 as follows:

6 (1) The director shall grant special parking privileges to any
7 person who has a disability that limits or impairs the ability to walk
8 and meets one of the following criteria, as determined by a licensed
9 physician or an advanced registered nurse practitioner licensed under
10 chapter 18.79 RCW:

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

22 (f) Impairment by cardiovascular disease or cardiac condition to
23 the extent that the person's functional limitations are classified as
24 class III or IV under standards accepted by the American Heart
25 Association; or

26 (g) Has a disability resulting from an acute sensitivity to
27 automobile emissions which limits or impairs the ability to walk. The
28 personal physician or advanced registered nurse practitioner of the
29 applicant shall document that the disability is comparable in severity
30 to the others listed in this subsection.

31 (2) The applications for (~~disabled~~) parking permits for persons
32 with disabilities and (~~temporary disabled~~) parking permits for
33 persons with temporary disabilities are official state documents.
34 Knowingly providing false information in conjunction with the
35 application is a gross misdemeanor punishable under chapter 9A.20 RCW.
36 The following statement must appear on each application form
37 immediately below the physician's or advanced registered nurse

1 practitioner's signature and immediately below the applicant's
2 signature: "A ((disabled)) parking permit for a person with
3 disabilities may be issued only for a medical necessity that severely
4 affects mobility (RCW 46.16.381). Knowingly providing false
5 information on this application is a gross misdemeanor. The penalty is
6 up to one year in jail and a fine of up to \$5,000 or both."

7 (3) Persons who qualify for special parking privileges are entitled
8 to receive from the department of licensing a removable windshield
9 placard bearing the international symbol of access and an individual
10 serial number, along with a special identification card bearing the
11 name and date of birth of the person to whom the placard is issued, and
12 the placard's serial number. The special identification card shall be
13 issued no later than January 1, 2000, to all persons who are issued
14 parking placards, including those issued for temporary disabilities,
15 and special ((disabled)) parking license plates for persons with
16 disabilities. The department shall design the placard to be displayed
17 when the vehicle is parked by suspending it from the rearview mirror,
18 or in the absence of a rearview mirror the card may be displayed on the
19 dashboard of any vehicle used to transport the ((disabled)) person with
20 disabilities. Instead of regular motor vehicle license plates,
21 ((disabled)) persons with disabilities are entitled to receive special
22 license plates under this section or RCW 46.16.385 bearing the
23 international symbol of access for one vehicle registered in the
24 ((disabled person's)) name of the person with disabilities.
25 ((Disabled)) Persons with disabilities who are not issued the special
26 license plates are entitled to receive a second special placard upon
27 submitting a written request to the department. Persons who have been
28 issued the parking privileges and who are using a vehicle or are riding
29 in a vehicle displaying the placard or special license plates issued
30 under this section or RCW 46.16.385 may park in places reserved for
31 ((mobility disabled)) persons with physical disabilities. The director
32 shall adopt rules providing for the issuance of special placards and
33 license plates to public transportation authorities, nursing homes
34 licensed under chapter 18.51 RCW, boarding homes licensed under chapter
35 18.20 RCW, senior citizen centers, private nonprofit agencies as
36 defined in chapter 24.03 RCW, and vehicles registered with the
37 department as cabulances that regularly transport ((disabled)) persons
38 with disabilities who have been determined eligible for special parking

1 privileges provided under this section. The director may issue special
2 license plates for a vehicle registered in the name of the public
3 transportation authority, nursing home, boarding home((s)), senior
4 citizen center, private nonprofit agency, or cabulance service if the
5 vehicle is primarily used to transport persons with disabilities
6 described in this section. Public transportation authorities, nursing
7 homes, boarding homes, senior citizen centers, private nonprofit
8 agencies, and cabulance services are responsible for insuring that the
9 special placards and license plates are not used improperly and are
10 responsible for all fines and penalties for improper use.

11 (4) Whenever the ((disabled)) person with disabilities transfers or
12 assigns his or her interest in the vehicle, the special license plates
13 shall be removed from the motor vehicle. If another vehicle is
14 acquired by the ((disabled)) person with disabilities and the vehicle
15 owner qualifies for a special plate, the plate shall be attached to the
16 vehicle, and the director shall be immediately notified of the transfer
17 of the plate. If another vehicle is not acquired by the ((disabled))
18 person with disabilities, the removed plate shall be immediately
19 surrendered to the director.

20 (5) The special license plate shall be renewed in the same manner
21 and at the time required for the renewal of regular motor vehicle
22 license plates under this chapter. No special license plate may be
23 issued to a person who is temporarily disabled. A person who has a
24 condition expected to improve within six months may be issued a
25 temporary placard for a period not to exceed six months. If the
26 condition exists after six months a new temporary placard shall be
27 issued upon receipt of a new certification from the ((disabled))
28 person's physician. The permanent parking placard and identification
29 card of a ((disabled)) person with disabilities shall be renewed at
30 least every five years, as required by the director, by satisfactory
31 proof of the right to continued use of the privileges. In the event of
32 the permit holder's death, the parking placard and identification card
33 must be immediately surrendered to the department. The department
34 shall match and purge its ((disabled permit)) data base of parking
35 permits issued to persons with disabilities with available death record
36 information at least every twelve months.

37 (6) Each person with disabilities who has been issued a permanent

1 ((disabled)) parking permit on or before July 1, 1998, must renew the
2 permit no later than July 1, 2003, subject to a schedule to be set by
3 the department, or the permit will expire.

4 (7) Additional fees shall not be charged for the issuance of the
5 special placards or the identification cards. No additional fee may be
6 charged for the issuance of the special license plates except the
7 regular motor vehicle registration fee and any other fees and taxes
8 required to be paid upon registration of a motor vehicle.

9 (8) Any unauthorized use of the special placard, special license
10 plate issued under this section or RCW 46.16.385, or identification
11 card is a traffic infraction with a monetary penalty of two hundred
12 fifty dollars.

13 (9) It is a parking infraction, with a monetary penalty of two
14 hundred fifty dollars for a person to make inaccessible the access
15 aisle located next to a space reserved for ((~~physically disabled~~))
16 persons with physical disabilities. The clerk of the court shall
17 report all violations related to this subsection to the department.

18 (10) It is a parking infraction, with a monetary penalty of two
19 hundred fifty dollars for any person to park a vehicle in a parking
20 place provided on private property without charge or on public property
21 reserved for ((~~physically disabled~~)) persons with physical disabilities
22 without a placard or special license plate issued under this section or
23 RCW 46.16.385. If a person is charged with a violation, the person
24 shall not be determined to have committed an infraction if the person
25 produces in court or before the court appearance the placard or special
26 license plate issued under this section or RCW 46.16.385 required under
27 this section. A local jurisdiction providing nonmetered, on-street
28 parking places reserved for ((~~physically disabled~~)) persons with
29 physical disabilities may impose by ordinance time restrictions of no
30 less than four hours on the use of these parking places. A local
31 jurisdiction may impose by ordinance time restrictions of no less than
32 four hours on the use of nonreserved, on-street parking spaces by
33 vehicles displaying the special parking placards or special license
34 plates issued under this section or RCW 46.16.385. All time
35 restrictions must be clearly posted.

36 (11) The penalties imposed under subsections (9) and (10) of this
37 section shall be used by that local jurisdiction exclusively for law

1 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 (12) Except as provided by subsection (2) of this section, it is a
5 traffic infraction with a monetary penalty of two hundred fifty dollars
6 for any person willfully to obtain a special license plate issued under
7 this section or RCW 46.16.385, placard, or identification card in a
8 manner other than that established under this section.

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

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

18 (c) A notice of infraction issued by a volunteer appointed 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 volunteer may request a person to show
22 the person's identification card or special parking placard when
23 investigating the possibility of a violation of this section. If the
24 request is refused, the person in charge of the vehicle may be issued
25 a notice of infraction for a violation of this section.

26 (14) For second or subsequent violations of this section, in
27 addition to a monetary fine, the violator must complete a minimum of
28 forty hours of:

29 (a) Community restitution for a nonprofit organization that serves
30 ~~((the disabled community or))~~ persons having disabilities or disabling
31 diseases; or

32 (b) Any other community restitution that may sensitize the violator
33 to the needs and obstacles faced by persons who have disabilities.

34 (15) The court may not suspend more than one-half of any fine
35 imposed under subsection (8), (9), (10), or (12) of this section.

36 **Sec. 3.** RCW 46.16.385 and 2004 c 222 s 1 are each amended to read
37 as follows:

1 (1) The department shall design and issue (~~disabled parking~~
2 ~~emblem~~) versions of special license plates including the international
3 symbol of access described in RCW 70.92.120 for plates issued under (a)
4 RCW 46.16.301; (b) RCW 46.16.305, except those plates issued under RCW
5 46.16.305 (1) and (2); (c) RCW 46.16.324; (d) RCW 46.16.745; (e) RCW
6 73.04.110; (f) RCW 73.04.115; or (g) RCW 46.16.301(1) (a), (b), or (c),
7 as it existed before amendment by section 5, chapter 291, Laws of 1997.
8 The (~~disabled parking emblem~~) version of the special plate (~~must~~
9 ~~display~~) including the ((universal)) international symbol of access
10 (~~that~~) may be used in lieu of the parking placard issued to persons
11 who qualify for special parking privileges under RCW 46.16.381. The
12 department may not charge an additional fee for the issuance of the
13 special (~~disabled parking emblem~~) license plate including the
14 international symbol of access, except the regular motor vehicle
15 registration fee, the fee associated with the particular special plate,
16 and any other fees and taxes required to be paid upon registration of
17 a motor vehicle. The (~~emblem~~) international symbol of access must be
18 incorporated into the design of the special license plate in a manner
19 to be determined by the department, and under existing vehicular
20 licensing procedures and existing laws.

21 (2) Persons who qualify for special parking privileges under RCW
22 46.16.381, and who have applied and paid the appropriate fee for any of
23 the special license plates listed in subsection (1) of this section,
24 are entitled to receive from the department a special (~~disabled~~
25 ~~parking emblem~~) license plate including the international symbol of
26 access. The special (~~disabled parking emblem~~) license plate
27 including the international symbol of access may be used for one
28 vehicle registered in the (~~disabled person's~~) name of the person with
29 the disability. Persons who have been issued the parking privileges or
30 who are using a vehicle displaying the special (~~disabled parking~~
31 ~~emblem~~) license plate including the international symbol of access may
32 park in places reserved for (~~mobility disabled~~) persons with physical
33 disabilities.

34 (3) (~~The~~) Special (~~disabled parking emblem~~) license plates
35 including the international symbol of access must be administered in
36 the same manner as (~~the~~) plates issued under RCW 46.16.381.

37 (4) The department shall adopt rules to implement this section.

1 **Sec. 4.** RCW 46.16.390 and 1991 c 339 s 22 are each amended to read
2 as follows:

3 A special license plate or card issued by another state or country
4 that indicates an occupant of the vehicle (~~(is disabled)~~) has
5 disabilities, entitles the vehicle on or in which it is displayed and
6 being used to transport the (~~(disabled)~~) person with disabilities to
7 lawfully park in a parking place reserved for (~~(physically disabled)~~)
8 persons with physical disabilities pursuant to chapter 70.92 RCW or
9 authority implemental thereof.

10 **Sec. 5.** RCW 46.55.113 and 2003 c 178 s 1 and 2003 c 177 s 1 are
11 each reenacted and amended to read as follows:

12 (1) Whenever the driver of a vehicle is arrested for a violation of
13 RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is
14 subject to summary impoundment, pursuant to the terms and conditions of
15 an applicable local ordinance or state agency rule at the direction of
16 a law enforcement officer.

17 (2) In addition, a police officer may take custody of a vehicle, at
18 his or her discretion, and provide for its prompt removal to a place of
19 safety under any of the following circumstances:

20 (a) Whenever a police officer finds a vehicle standing upon the
21 roadway in violation of any of the provisions of RCW 46.61.560, the
22 officer may provide for the removal of the vehicle or require the
23 driver or other person in charge of the vehicle to move the vehicle to
24 a position off the roadway;

25 (b) Whenever a police officer finds a vehicle unattended upon a
26 highway where the vehicle constitutes an obstruction to traffic or
27 jeopardizes public safety;

28 (c) Whenever a police officer finds an unattended vehicle at the
29 scene of an accident or when the driver of a vehicle involved in an
30 accident is physically or mentally incapable of deciding upon steps to
31 be taken to protect his or her property;

32 (d) Whenever the driver of a vehicle is arrested and taken into
33 custody by a police officer;

34 (e) Whenever a police officer discovers a vehicle that the officer
35 determines to be a stolen vehicle;

36 (f) Whenever a vehicle without a special license plate, (~~(card)~~)
37 placard, or decal indicating that the vehicle is being used to

1 transport a ((disabled)) person with disabilities under RCW 46.16.381
2 is parked in a stall or space clearly and conspicuously marked under
3 RCW 46.61.581 which space is provided on private property without
4 charge or on public property;

5 (g) Upon determining that a person is operating a motor vehicle
6 without a valid driver's license in violation of RCW 46.20.005 or with
7 a license that has been expired for ninety days or more;

8 (h) When a vehicle is illegally occupying a truck, commercial
9 loading zone, restricted parking zone, bus, loading, hooded-meter,
10 taxi, street construction or maintenance, or other similar zone where,
11 by order of the director of transportation or chiefs of police or fire
12 or their designees, parking is limited to designated classes of
13 vehicles or is prohibited during certain hours, on designated days or
14 at all times, if the zone has been established with signage for at
15 least twenty-four hours and where the vehicle is interfering with the
16 proper and intended use of the zone. Signage must give notice to the
17 public that a vehicle will be removed if illegally parked in the zone.

18 (3) When an arrest is made for a violation of RCW 46.20.342, if the
19 vehicle is a commercial vehicle and the driver of the vehicle is not
20 the owner of the vehicle, before the summary impoundment directed under
21 subsection (1) of this section, the police officer shall attempt in a
22 reasonable and timely manner to contact the owner of the vehicle and
23 may release the vehicle to the owner if the owner is reasonably
24 available, as long as the owner was not in the vehicle at the time of
25 the stop and arrest and the owner has not received a prior release
26 under this subsection or RCW 46.55.120(1)(a)(ii).

27 (4) Nothing in this section may derogate from the powers of police
28 officers under the common law. For the purposes of this section, a
29 place of safety may include the business location of a registered tow
30 truck operator.

31 ***Sec. 6. RCW 73.04.110 and 2004 c 223 s 6 and 2004 c 125 s 1 are**
32 **each reenacted and amended to read as follows:**

33 **Any person who is a veteran as defined in RCW 41.04.007 who submits**
34 **to the department of licensing satisfactory proof of a service-**
35 **connected disability rating from the veterans administration or the**
36 **military service from which the veteran was discharged and:**

- 37 (1) **Has lost the use of both hands or one foot;**

1 (2) Was captured and incarcerated for more than twenty-nine days by
2 an enemy of the United States during a period of war with the United
3 States;

4 (3) Has become blind in both eyes as the result of military
5 service; or

6 (4) Is rated by the veterans administration or the military service
7 from which the veteran was discharged and is receiving service-
8 connected compensation at the one hundred percent rate that is expected
9 to exist for more than one year;

10 is entitled to regular or special license plates issued by the
11 department of licensing. The special license plates shall bear
12 distinguishing marks, letters, or numerals indicating that the motor
13 vehicle is owned by a ((disabled)) veteran with disabilities or former
14 prisoner of war. This license shall be issued annually for one
15 personal use vehicle without payment of any license fees or excise tax
16 thereon. Whenever any person who has been issued license plates under
17 the provisions of this section applies to the department for transfer
18 of the plates to a subsequently acquired motor vehicle, a transfer fee
19 of ten dollars shall be charged in addition to all other appropriate
20 fees. The department may periodically verify the one hundred percent
21 rate as provided in subsection (4) of this section.

22 Any person who has been issued free motor vehicle license plates
23 under this section prior to July 1, 1983, shall continue to be eligible
24 for the annual free license plates.

25 For the purposes of this section, "blind" means the definition of
26 "blind" used by the state of Washington in determining eligibility for
27 financial assistance to the blind under Title 74 RCW.

28 Any unauthorized use of a special plate is a gross misdemeanor.

**Sec. 6 was vetoed. See message at end of chapter.*

Passed by the House April 18, 2005.

Passed by the Senate April 11, 2005.

Approved by the Governor May 11, 2005, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 11, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 6, Substitute
House Bill No. 1711 entitled:

"AN ACT Relating to parking places for persons with disabilities."
Statutes relating to persons with disabilities are updated to use
respectful language and consistency. The term "veteran with
disability" in this bill is not consistent with the term "disabled
veteran" used in federal law. Therefore, in order to avoid any

unintended negative consequences, I am vetoing Section 6 of Substitute House Bill No. 1711.

For these reasons, I have vetoed Section 6 of Substitute House Bill No. 1711.

With the exception of Section 6, Substitute House Bill No. 1711 is approved."