

HOUSE BILL REPORT

ESSB 5902

As Passed House - Amended:

March 5, 2010

Title: An act relating to promoting accessible communities for persons with disabilities.

Brief Description: Promoting accessible communities for persons with disabilities.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Pridemore, Fraser, McAuliffe, Kline, Kohl-Welles and McDermott).

Brief History:

Committee Activity:

Human Services: 2/17/10, 2/22/10 [DPA];

Ways & Means: 2/27/10 [DPA(HS)].

Floor Activity:

Passed House: 3/5/10, 94-4.

Senate Refused to Concur.

Passed House - Amended: 3/9/10, 93-4.

Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Creates an Accessible Communities Account (Account) to be administered by the Commissioner of the Employment Security Department.
- Requires the Governor's Committee on Disability Issues and Employment to determine eligibility of Accessible Community Advisory Committees (Accessible Community Committees) for reimbursement and grant funding and to solicit proposals for projects to improve disability awareness.
- Allows counties that have established active Accessible Community Committees for promotion of accessible communities to be reimbursed for travel and other expenses incurred for Accessible Community Committees' meetings.
- Allows counties to create an Accessible Community Committee by either expanding an existing advisory committee or creating a new Accessible Community Committee.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Adds an assessment to the parking infraction penalties for blocking or otherwise making inaccessible the access aisle located next to a space reserved for persons with physical disabilities or for parking in a parking space reserved for persons with disabilities and requires that a portion of the penalties collected for parking infractions are to be deposited into the Account and into the Multimodal Transportation Account.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended. Signed by 8 members: Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Darneille, Green, Herrera, O'Brien and Walsh.

Staff: Linda Merelle (786-7092).

HOUSE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Human Services. Signed by 15 members: Representatives Linville, Chair; Ericks, Vice Chair; Sullivan, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody, Conway, Darneille, Haigh, Hunt, Hunter, Kagi, Kenney, Kessler, Pettigrew and Seaquist.

Minority Report: Do not pass. Signed by 7 members: Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler, Hinkle, Priest, Ross and Schmick.

Staff: Ben Rarick (786-7349).

Background:

County Advisory Committees.

Under the state's election law, counties are required to have an advisory committee established to assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities.

Special Parking Privilege.

The Department of Licensing is required to grant special parking privileges to any person that has a permanent or temporary disability that limits or impairs the ability to walk or involves acute sensitivity to light and meets one of the following criteria, as determined by a licensed physician or an advanced nurse practitioner:

- cannot walk further than 200 feet without stopping to rest;
- is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;
- is so severely disabled that the person cannot walk without an assistive device;

- uses portable oxygen;
- is restricted by lung disease to a particular extent;
- is impaired by cardiovascular disease or cardiac condition to a particular extent;
- has a disability resulting from acute sensitivity to automobile emissions that impairs the ability to walk;
- is legally blind and has limited mobility; or
- has a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

Parking Permits.

A permanent parking privilege must be renewed every five years, and a temporary parking privilege must be renewed every six months. If granted a special parking privilege, a person may choose one of the following options:

- up to two blue placards that hang from the rear-view mirror and can be used by any vehicle at the time the vehicle is providing transportation for the individual with disability;
- one set of disabled parking license plates issued to the qualified individual, who must be one of the registered owners of the vehicle;
- one set of disabled parking license plates and one placard; or
- one special disabled parking year tab and one blue placard.

Traffic and Parking Infraction Penalties.

It is a traffic infraction to, without authorization, use a special placard, special license plate, or identification card issued to persons with disabilities. The fine for this infraction is \$250. It is a parking infraction to park a vehicle in a space reserved for a person with a physical disability without a placard or special license plate, or to make inaccessible the access aisle located next to a space reserved for a person with a physical disability. The fine is \$250.

Multimodal Transportation Account.

Moneys in the Multimodal Transportation Account (Account) may be spent only after appropriation. Expenditures from the Account may be used only for transportation purposes.

Summary of Amended Bill:

Accessible Communities Account.

The Accessible Communities Account (Account) is created under this act. One hundred dollars (\$100) from each full penalty imposed under parking infractions related to persons with disabilities is to be deposited into the Account. Another \$100 must be deposited into the Multimodal Transportation Account. If less than a full penalty is imposed, proportionate amounts are deposited into the Account and the Multimodal Transportation Account. The Account is subject to allotment procedures, but an appropriation is not required for expenditures. Only the Commissioner of the Employment Security Department may authorize expenditures from the Account. The Account is included in the list of funds that

receive their monthly proportionate share of investment income earnings based upon the average daily balance for the month.

Expenditures from the Account are to be used for:

- promoting greater awareness of disability issues and improved access and inclusion and acceptance of persons with disabilities;
- reimbursing travel and other expenses for County Accessible Community Advisory Committee (Accessible Community Committee) meetings and committee-sponsored activities, including supporting the involvement of people with disabilities and disability organizations in emergency preparedness activities;
- establishing and maintaining an accessible communities web site;
- providing training or technical assistance for county Accessible Community Committees;
- funding of grants aimed at promoting greater awareness of disability issues and acceptance and inclusion of persons with disabilities;
- reimbursing the state agency that provides administrative support to the Governor's Committee on Disability Issues and Employment (Governor's Committee) for costs associated with implementing this act; and
- programming changes to the judicial information system accounting module for disbursement of funds to this Account.

Governor's Committee on Disability Issues and Employment.

The Governor's Committee is required to:

- determine eligibility of Accessible Community Committees for reimbursement for grant funding;
- solicit proposals from active Accessible Community Committee projects to improve disability awareness and access for persons with disabilities;
- develop a web site to provide the following: guidance; technical assistance; reference materials; resource identification for local governments; Accessible Community Committees; public accommodations; best practices in promoting disability awareness issues; and searchable listings of local public accommodations that have taken steps to be more "disability friendly."

The Commissioner of the Employment Security Department must adopt rules to administer required actions of the Governor's Committee.

Accessible Community Advisory Committee.

To create an Accessible Community Advisory Committee (Accessible Community Committee), a county has the option to expand the scope of an advisory committee. An advisory committee is one that has been established to assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities. The county also has the option to create an Accessible Community Committee anew.

A county may establish that it has an Accessible Community Committee by submitting biennial assurances to the Governor's Committee that the county legislative authority has

made a decision to establish an Accessible Community Committee and, in the case of an expansion, that the county auditor supports the expansion.

Accessible Community Committee members are to include persons with a diverse range of disabilities and knowledge in identifying physical and social barriers encountered by persons with disabilities. The committee is to be actively involved in an advisory role regarding:

- the needs of persons with disabilities in emergency plans;
- access to services and activities;
- new construction and renovation projects;
- sidewalks and other pedestrian routes of travel;
- disability parking enforcement; and
- developing local initiatives to promote awareness, acceptance, involvement, and access for persons with disabilities within the community.

Counties may form joint Accessible Community Committees, provided that only one of the participating counties has a population greater than 70,000 persons.

Parking Infractions.

The unauthorized use of a special placard, special license plate, or identification card is changed from a "traffic infraction" to a "parking infraction." A \$200 assessment is added to the \$250 penalty.

For the parking infraction of parking in, blocking, or otherwise making inaccessible the access aisle located next to a space reserved for persons with physical disabilities, a \$200 assessment is added to the \$250 penalty.

A \$200 assessment is added to the penalty for the parking infraction of unauthorized parking in a space provided for persons with physical.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on February 27, 2010.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Human Services):

(In support) Thurston County's Voting Accessible Advisory Committee has allowed us to expand our voter outreach and do things that we would not have been able to otherwise do. It is helpful to have a committee for multiple counties. Some counties have struggled to form advisory committees. There is no mandate to change anything. Counties have the option to maintain their current advisory committees or expand to an Accessible Community Committee. This bill promotes a positive problem-solving option to the usual enforcement approach to improving access and awareness of people with disabilities. It supports the opportunities for people with disabilities to contribute their time and expertise to their

committees and to find ways to develop practical, workable solutions for the barriers that limit inclusion and access for people with disabilities. This is a small bit of what we can do to increase awareness about persons with disabilities. The fines generated from infractions vary from year to year. It depends on the amount of focus that a local community puts on enforcing it. It really is a matter of enforcement and attention at the local level. We want to ensure that the decision-making and authority around this group is laid out clearly.

(Opposed) None.

Staff Summary of Public Testimony (Ways & Means):

(In support) This bill pays for itself and improves opportunities for people with physical disabilities. The bill helps integrate people with disabilities into their communities. In one city, city engineers do not know where to put curb cuts on sidewalks to improve access for people with disabilities. This bill allows counties to establish committees that include people with disabilities as members. Through these committees, people with disabilities would be able to advise city engineers on which sidewalks most need improved accessibility. The long-term value of this bill is that it integrates people with disabilities into local governments. It's a proper use of funds; violators who block parking spaces reserved for persons with disabilities pay for the program. This bill puts the state at no financial risk and the benefit is immense.

(Opposed) None.

Persons Testifying (Human Services): Senator Pridemore, prime sponsor; Kim Wyman, Thurston County Auditor; David Lord, Disability Rights Washington; Katie Blinn, Office of the Secretary of State; Toby Olsen, Governor's Committee on Disability Issues; and Rashi Gupta, Washington Association of Counties.

Persons Testifying (Ways & Means): Jim Morris, Governor's Committee on Disability Issues and Employment.

Persons Signed In To Testify But Not Testifying (Human Services): None.

Persons Signed In To Testify But Not Testifying (Ways & Means): None.