

HOUSE BILL REPORT

ESHB 2463

As Amended by the Senate

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

Brief Description: Concerning special parking privileges for persons with disabilities.

Sponsors: House Committee on Transportation (originally sponsored by Representatives S. Hunt, Johnson, Reykdal, Pike, Clibborn, Orcutt and Freeman).

Brief History:

Committee Activity:

Transportation: 1/27/14, 1/29/14, 2/6/14 [DPS].

Floor Activity:

Passed House: 2/17/14, 95-1.

Senate Amended.

Passed Senate: 3/7/14, 48-0.

Brief Summary of Engrossed Substitute Bill

- Extends the maximum period of validity for temporary parking placards from six months to one year.
- Establishes a parking infraction for a person's improper display of his or her parking placard or special license plate.
- Allows a court to order a person to surrender his or her parking placard, special parking plate, special year tab, or identification card for a violation of the laws regarding special parking privileges for persons with disabilities.
- Creates a misdemeanor for a person to sell a parking placard, special license plate, special year tab, or identification card.
- Requires a health care practitioner to authorize special parking privileges on a prescription pad or the practitioner's office letterhead.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 29 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice

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Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Bergquist, Fitzgibbon, Habib, Hawkins, Hayes, Johnson, Klippert, Kochmar, Moeller, Morris, Muri, Ortiz-Self, Pike, Riccelli, Ryu, Sells, Shea, Takko, Tarleton, Walkinshaw, Young and Zeiger.

Staff: Andrew Russell (786-7143).

Background:

Washington law provides special parking privileges for persons with disabilities. Qualifying disabilities include a limited ability to walk, the use of portable oxygen, impaired breathing or cardiovascular function, an acute sensitivity to automobile emissions, impaired vision, or a sensitivity to light. To establish such a disability, an applicant must receive a determination by a qualifying medical professional, such as a licensed physician. Providing false information on an application for special parking privileges is a gross misdemeanor. Organizations may also apply for special parking privileges, including public transportation authorities, assisted living facilities, private nonprofit corporations, and registered cabulance companies.

Any person who qualifies for special parking privileges under this section must receive an identification card, and may receive special parking placards, a special parking license plate, or both. Alternatively, under certain circumstances, a person may receive a temporary parking placard, valid for up to six months. These parking placards and special license plates must be displayed on the motor vehicle, entitling persons with disabilities to park in reserved spaces.

Any qualified holder of these parking placards or a special license plate may park free of charge and beyond a posted time limit in public parking areas. It is an infraction, however, for a person to park in a space reserved for persons with physical disabilities without displaying the proper plate or placard or to block the access isle located next to a space reserved for persons with physical disabilities. Any unauthorized use of a parking placard, special license plate, or identification card is also an infraction. Each of these infractions carries a total penalty of \$450. Finally, it is an infraction, carrying a penalty of \$250, to illegally obtain a parking placard, special license plate, or identification card.

These parking privileges must be renewed at least every five years. Finally, parking placards and the identification card must be returned to the Department of Licensing (DOL) upon the placard holder's death.

Summary of Engrossed Substitute Bill:

The application materials for special parking privileges must include a warning that an applicant or health care practitioner who knowingly provides false information is guilty of a gross misdemeanor. During the application process, a health care practitioner must provide signed authorization on a prescription pad or office letterhead. Additionally, the maximum period of validity for temporary parking placards is extended to 12 months.

Parking placards issued by the DOL must include on the front of the placard a serial number and an expiration date, both of which must be clearly visible from a distance of 10 feet. It is a traffic infraction for a person to fail to display the full face of such a placard when parked in a space reserved for persons with disabilities. This infraction carries a total penalty of \$450. It is also a misdemeanor to illegally obtain or to sell a parking placard, special license plate, special year tab, or identification card. If a person is found to have violated the provisions relating to special parking for persons with disabilities, a court may order a person to surrender his or her placard, plate, tab, or card.

Finally, accessible van rental companies are added to the list of organizations that may apply for special parking privileges.

EFFECT OF SENATE AMENDMENT(S):

The Senate amendment made two changes to the bill. First, it added a requirement that, upon renewal of special parking privileges, the holder of such privileges provide signed written authorization from a licensed physician, advanced registered nurse practitioner, or physician assistant. Additionally, the Senate amendment moved forward the effective date from July 1, 2016 to July 1, 2015.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2016.

Staff Summary of Public Testimony:

(In support) The DOL did a review of the system and made a report back to the Legislature. Most of this bill comes out of that report. It imposes additional requirements on handicap placards without causing additional harm to persons who use those placards. It also increases the responsibility on medical practitioners who issue these placards. The DOL is trying to do this responsibly, and addressing some of the problems.

(With concerns) There is a strong need to do something to address the abuse and misuse of disability parking. There are many good things in this bill, but there are a few things that are concerning. The criteria used for a more restricted parking class do not address the disability-related issues that cause a need for persons to park beyond the posted time limits: moving more slowly, needing to rest, and not being able to park in certain areas, such as on an incline. Many people may not be able to use parking placards in the first place due to limits on their motor skills.

(Opposed) Fraudulent use of the parking privileges is a serious issue, but tackling this problem should not come at the expense of legitimate users. Persons with multiple sclerosis (MS) often do not exhibit visible symptoms. It often takes persons with MS a long time to get where they want to go, and it can be unpredictable. Because everything takes longer with MS, people need to find parking near their destination. While the bill provides free parking for some persons, it would exclude many others.

Persons Testifying: (In support) Representative S. Hunt, prime sponsor; and Tony Sermonti, Department of Licensing.

(With concerns) Toby Olson, Governor's Committee on Disability Issues.

(Opposed) Jim Freeburg, National Multiple Sclerosis Society.

Persons Signed In To Testify But Not Testifying: None.