CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2463

Chapter 124, Laws of 2014

63rd Legislature
2014 Regular Session

PERSONS WITH DISABILITIES--PARKING

EFFECTIVE DATE: 07/01/15

Passed by the House March 10, 2014
Yeas 98  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 7, 2014
Yeas 48  Nays 0

BRAD OWEN
President of the Senate

Approved March 28, 2014, 2:39 p.m.

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 2463 as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER
Chief Clerk

FILED
March 31, 2014

JAY INSLEE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to special parking privileges for persons with disabilities; amending RCW 46.19.010, 46.19.020, 46.19.030, 46.19.040, 46.19.050, 46.61.582, 46.61.583, and 46.63.020; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. (1) The legislature finds that there is a history of abuse of special parking privileges for persons with disabilities that requires changes to maintain public safety and good order.

(2) It is the intent of the legislature to: (a) Decrease the amount of unlawful use of special parking privileges for persons with disabilities; (b) not create additional burdens for those in need of special parking privileges for persons with disabilities; (c) provide local jurisdictions with the authority to improve their administration of on-street parking; (d) encourage the department of licensing to implement the recommendations of the disabled parking work group in regards to placard and application changes; and (e) encourage the department of licensing to consider parking information system upgrades
related to special parking privileges for persons with disabilities in
its pursuit of technology modernization.

Sec. 2. RCW 46.19.010 and 2011 c 96 s 32 are each amended to read
as follows:

(1) A natural person who has a disability that meets one of the
following criteria may apply for special parking privileges:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Is severely limited in ability to walk due to arthritic,
neurological, or orthopedic condition;

(c) Has such a severe disability that the person cannot walk
without the use of or assistance from a brace, cane, another person,
prosthetic device, wheelchair, or other assistive device;

(d) Uses portable oxygen;

(e) Is restricted by lung disease to an extent that forced
expiratory respiratory volume, when measured by spirometry, is less
than one liter per second or the arterial oxygen tension is less than
sixty mm/hg on room air at rest;

(f) Impairment by cardiovascular disease or cardiac condition to
the extent that the person's functional limitations are classified as
class III or IV under standards accepted by the American heart
association;

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

(h) Has limited mobility and has no vision or whose vision with
corrective lenses is so limited that the person requires alternative
methods or skills to do efficiently those things that are ordinarily
done with sight by persons with normal vision;

(i) Has an eye condition of a progressive nature that may lead to
blindness; or

(j) Is restricted by a form of porphyria to the extent that the
applicant would significantly benefit from a decrease in exposure to
light.

(2) The disability must be determined by either:

(a) A licensed physician;
(b) An advanced registered nurse practitioner licensed under chapter 18.79 RCW; or

(c) A physician assistant licensed under chapter 18.71A or 18.57A RCW.

(3) A health care practitioner listed under subsection (2) of this section must provide a signed written authorization on tamper-resistant prescription pad or paper, as defined in RCW 18.64.500, if the practitioner has prescriptive authority. An authorized health care practitioner without prescriptive authority must provide the signed written authorization on his or her office letterhead. Such authorizations must be attached to the application for special parking privileges for persons with disabilities.

(4) The application for special parking privileges for persons with disabilities must contain:

(a) The following statement immediately below the physician's, advanced registered nurse practitioner's, or physician assistant's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (RCW 46.19.010). ((Knowingly providing false information on this application is a gross misdemeanor.) An applicant or health care practitioner who knowingly provides false information on this application is guilty of a gross misdemeanor. The penalty is up to three hundred sixty-four days in jail and a fine of up to $5,000 or both. In addition, the health care practitioner may be subject to sanctions under chapter 18.130 RCW, the Uniform Disciplinary Act"; and

(b) Other information as required by the department.

((4))) (5) A natural person who has a disability described in subsection (1) of this section and is expected to improve within ((six)) twelve months may be issued a temporary placard for a period not to exceed ((six)) twelve months. If the disability exists after ((six)) twelve months, a new temporary placard must be issued upon receipt of a new application with certification from the person's physician as prescribed in subsections (3) and (4) of this section. Special license plates for persons with disabilities may not be issued to a person with a temporary disability.

((5))) (6) A natural person who qualifies for special parking
privileges under this section must receive an identification card showing the name and date of birth of the person to whom the parking privilege has been issued and the serial number of the placard.

(6) A natural person who qualifies for permanent special parking privileges under this section may receive one of the following:
(a) Up to two parking placards;
(b) One set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed;
(c) One parking placard and one set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed; or
(d) One special parking year tab for persons with disabilities and one parking placard.

Parking placards and identification cards described in this section must be issued free of charge.

The parking placard and identification card must be immediately returned to the department upon the placard holder's death.

Sec. 3. RCW 46.19.020 and 2012 c 10 s 42 are each amended to read as follows:
(1) The following organizations may apply for special parking privileges:
(a) Public transportation authorities;
(b) Nursing homes licensed under chapter 18.51 RCW;
(c) Assisted living facilities licensed under chapter 18.20 RCW;
(d) Senior citizen centers;
(e) Accessible van rental companies registered under RCW 46.87.023;
(f) Private nonprofit corporations, as defined in RCW 24.03.005; and
(g) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW.
(2) An organization that qualifies for special parking privileges may receive, upon application, special license plates or
parking placards, or both, for persons with disabilities as defined by
the department.

(3) Public transportation authorities, nursing homes, assisted
living facilities, senior citizen centers, accessible van rental
companies, private nonprofit corporations, and cabulance services are
responsible for ensuring that the ((special)) parking placards and
special license plates are not used improperly and are responsible for
all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization
eligibility.

**Sec. 4.** RCW 46.19.030 and 2010 c 161 s 704 are each amended to
read as follows:

(1) The department shall design special license plates for persons
with disabilities, parking placards, and year tabs displaying the
international symbol of access.

(2) Special license plates for persons with disabilities must be
displayed on the motor vehicle as standard issue license plates as
described in RCW 46.16A.200.

(3) Parking placards must include both a serial number and the
expiration date on the face of the placard. The expiration date and
serial number must be of a sufficient size as to be easily visible from
a distance of ten feet from where the placard is displayed.

(4) Parking placards must be displayed when the motor vehicle is
parked by suspending it from the rearview mirror. In the absence of a
rearview mirror, the parking placard must be displayed on the
dashboard. The **parking placard must be displayed in a manner that**
allows for the entire placard to be viewed through the vehicle
windshield.

((4)) (5) Special year tabs for persons with disabilities must be
displayed on license plates as defined by the department.

((5)) (6) Persons who have been issued special license plates for
persons with disabilities, parking placards, or special license plates
with a special year tab for persons with disabilities may park in
places reserved for persons with physical disabilities.

**Sec. 5.** RCW 46.19.040 and 2010 c 161 s 703 are each amended to
read as follows:
(1) Parking privileges for persons with disabilities must be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges. Satisfactory proof must include a signed written authorization from a health care practitioner as required in RCW 46.19.010(3).

(2) The department shall match and purge its database of parking permits issued to persons with disabilities with available death record information at least every twelve months.

(3) The department shall adopt rules to administer the parking privileges for persons with disabilities program.

Sec. 6. RCW 46.19.050 and 2011 c 171 s 74 are each amended to read as follows:

(1) **False information.** Knowingly providing false information in conjunction with the application for special parking privileges for persons with disabilities is a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) **Unauthorized use.** Any unauthorized use of the (special) parking placard, special license (plate) plate, special year tab, or identification card issued under this chapter is a parking infraction with a monetary penalty of two hundred fifty dollars. In addition to any penalty or fine imposed under this subsection, two hundred dollars must be assessed. For the purpose of this subsection, "unauthorized use" includes (a) any use of a parking placard, special license plate, special year tab, or identification card of another holder if the initial holder is no longer eligible to use or receive it, and (c) any use of a parking placard, special license plate, special year tab, or identification card of another holder even if permitted to do so by the holder.

(3) **Inaccessible access.** It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for a person to stop, stand, or park in, block, or otherwise make inaccessible the access aisle located next to a space reserved for persons with physical disabilities. In addition to any penalty or fine imposed under this subsection, two hundred dollars must be assessed. The clerk of the
court shall report all violations related to this subsection to the
department.

(4) **Parking without placard/plate.** It is a parking infraction,
with a monetary penalty of two hundred fifty dollars, for any person to
park a vehicle in a parking place provided on private property without
charge or on public property reserved for persons with physical
disabilities without a placard or special license plate issued under
this chapter. In addition to any penalty or fine imposed under this
subsection, two hundred dollars must be assessed. If a person is
charged with a violation, the person will not be determined to have
committed an infraction if the person ((produces in court or before the
court appearance the placard or special license plate)) establishes
that the person operating the vehicle or being transported at the time
of the infraction had a valid placard, special license plate, or
special year tab issued under this chapter as required under this
chapter. ((A local jurisdiction providing nonmetered, on-street
parking places reserved for persons with physical disabilities may
impose by ordinance time restrictions of no less than four hours on the
use of these parking places.)) Such person must sign a statement under
penalty of perjury that the placard, special license plate, or special
year tab produced prior to the court appearance was valid at the time
of infraction and issued under this chapter as required under this
chapter.

(5) **Time restrictions.** A local jurisdiction may impose by
ordinance time restrictions of no less than four hours on the use of
nonreserved, on-street parking spaces by vehicles displaying the
special parking placards or special license plates issued under this
chapter. All time restrictions must be clearly posted.

(6) **Improper display of placard/plate.** It is a parking infraction,
with a monetary penalty of two hundred fifty dollars, to fail to fully
display a placard or special license plate issued under this chapter
while parked in a public place on private property without charge,
while parked on public property reserved for persons with physical
disabilities, or while parking free of charge as allowed under RCW
46.61.582. In addition to any penalty or fine imposed under this
subsection, two hundred dollars must be assessed, for a total of four
hundred fifty dollars. For the purpose of this subsection, "fully
display" means hanging or placing the placard or special license plate
so that the full face of the placard or license plate is visible, including the serial number and expiration date of the license plate or placard. If a person is charged with a violation of this subsection, that person will not be determined to have committed an infraction if the person produces in court or before the court appearance a valid identification card issued to that person under RCW 46.19.010.

Allocation and use of funds - reimbursement. (a) The assessment imposed under subsections (2), (3), (and) (4), and (6) of this section must be allocated as follows:

(i) One hundred dollars must be deposited in the accessible communities account created in RCW 50.40.071; and

(ii) One hundred dollars must be deposited in the multimodal transportation account under RCW 47.66.070 for the sole purpose of supplementing a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation that is administered by the department of transportation.

(b) Any reduction in any penalty or fine and assessment imposed under subsections (2), (3), (and) (4), and (6) of this section must be applied proportionally between the penalty or fine and the assessment. When a reduced penalty is imposed under subsection (2), (3), (and) (4), or (6) of this section, the amount deposited in the accounts identified in (a) of this subsection must be reduced equally and proportionally.

(c) The penalty or fine amounts must be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs that it may have incurred in the removal and storage of the improperly parked vehicle.

Illegal obtainment. Except as provided in subsection (1) of this section, it is a ((traffic infraction with a monetary penalty of two hundred fifty dollars)) misdemeanor punishable under chapter 9A.20 RCW for any person willfully to obtain a special license plate, placard, special year tab, or identification card issued under this chapter in a manner other than that established under this chapter.

Sale of a placard/plate/tab/card. It is a misdemeanor punishable under chapter 9A.20 RCW for any person to sell a placard,
special license plate, special year tab, or identification card issued under this chapter.

(10) Volunteer appointment. A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of subsections (2), (3), (4), and (6) of this section or RCW (46.19.010 and)) 46.19.030 or 46.61.581. Volunteers must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications that the agency deems desirable.

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

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

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

((9)) (11) Surrender of a placard/plate/tab/card. If a person is found to have violated the special parking privileges provided in this chapter, and unless an appeal of that finding is pending, a judge may order that the person surrender his or her placard, special license plate, special year tab, or identification card issued under this chapter.

(12) Community restitution. For second or subsequent violations of this section, in addition to a monetary penalty, the violator must complete a minimum of forty hours of:

(a) Community restitution for a nonprofit organization that serves persons with disabilities or disabbling diseases; or

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

((10)) (13) Fine suspension. The court may not suspend more than one-half of any fine imposed under subsection (2), (3), (4), or ((47)) (6) of this section.
Sec. 7. RCW 46.61.582 and 2011 c 171 s 80 are each amended to read as follows:

(1) Any person who meets the criteria for special parking privileges under RCW 46.19.010 (shall) must be allowed free of charge to park a vehicle being used to transport (that person) the holder of such special parking privileges for unlimited periods of time in parking zones or areas, including zones or areas with parking meters (which) that are otherwise restricted as to the length of time parking is permitted, except zones in which parking is limited pursuant to RCW 46.19.050(5). (This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles.) The person (shall) must obtain and display a (special) parking placard or special license plate under RCW 46.19.010 and 46.19.030 to be eligible for the privileges under this section.

(2) This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or that are reserved for special types of vehicles.

Sec. 8. RCW 46.61.583 and 1991 c 339 s 26 are each amended to read as follows:

A special license plate or card issued by another state or country that indicates an occupant of the vehicle (is disabled) has a disability entitles the vehicle on or in which it is displayed and being used to transport the (disabled) person with disabilities to the same (overtime) parking privileges granted under this chapter to a vehicle with a similar special license plate or card issued by this state.

Sec. 9. RCW 46.63.020 and 2013 2nd sp.s. c 23 s 21 are each amended to read as follows:

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

(1) RCW 46.09.457(1)(b)(i) relating to a false statement regarding
the inspection of and installation of equipment on wheeled all-terrain
vehicles;

(2) RCW 46.09.470(2) relating to the operation of a nonhighway
vehicle while under the influence of intoxicating liquor or a
controlled substance;

(3) RCW 46.09.480 relating to operation of nonhighway vehicles;

(4) RCW 46.10.490(2) relating to the operation of a snowmobile
while under the influence of intoxicating liquor or narcotics or habit-
forming drugs or in a manner endangering the person of another;

(5) RCW 46.10.495 relating to the operation of snowmobiles;

(6) Chapter 46.12 RCW relating to certificates of title,
registration certificates, and markings indicating that a vehicle has
been destroyed or declared a total loss;

(7) RCW 46.16A.030 and 46.16A.050(3) relating to the nonpayment of
taxes and fees by failure to register a vehicle and falsifying
residency when registering a motor vehicle;

(8) RCW 46.16A.520 relating to permitting unauthorized persons to
drive;

(9) RCW 46.16A.320 relating to vehicle trip permits;

(10) RCW 46.19.050(1) relating to knowingly providing false
information in conjunction with an application for a special placard or
license plate for disabled persons' parking;

(11) RCW 46.19.050(8) relating to illegally obtaining a parking
placard, special license plate, special year tab, or identification
card;

(12) RCW 46.19.050(9) relating to sale of a parking placard,
special license plate, special year tab, or identification card;

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

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

(15) RCW 46.20.0921 relating to the unlawful possession
and use of a driver's license;

(16) RCW 46.20.342 relating to driving with a suspended or
revoked license or status;
RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

RCW 46.20.750 relating to circumventing an ignition interlock device;

RCW 46.25.170 relating to commercial driver's licenses;

Chapter 46.29 RCW relating to financial responsibility;

RCW 46.30.040 relating to providing false evidence of financial responsibility;

RCW 46.35.030 relating to recording device information;

RCW 46.37.435 relating to wrongful installation of suncreening material;

RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

RCW 46.37.685 relating to switching or flipping license plates, utilizing technology to flip or change the appearance of a license plate, selling a license plate flipping device or technology used to change the appearance of a license plate, or falsifying a vehicle registration;

RCW 46.44.180 relating to operation of mobile home pilot vehicles;

RCW 46.48.175 relating to the transportation of dangerous articles;

RCW 46.52.010 relating to duty on striking an unattended car or other property;

RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
RCW 46.52.090 relating to reports by repairers, storage persons, and appraisers;

RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

RCW 46.55.035 relating to prohibited practices by tow truck operators;

RCW 46.55.300 relating to vehicle immobilization;

RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

RCW 46.61.022 relating to failure to stop and give identification to an officer;

RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

RCW 46.61.212(4) relating to reckless endangerment of emergency zone workers;

RCW 46.61.500 relating to reckless driving;

RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

RCW 46.61.520 relating to vehicular homicide by motor vehicle;

RCW 46.61.522 relating to vehicular assault;

RCW 46.61.5249 relating to first degree negligent driving;

RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

RCW 46.61.530 relating to racing of vehicles on highways;

RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
RCW 46.61.740 relating to theft of motor vehicle fuel;
RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
RCW 46.68.010 relating to false statements made to obtain a refund;
Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
RCW 46.72A.060 relating to limousine carrier insurance;
RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;
RCW 46.72A.080 relating to false advertising by a limousine carrier;
Chapter 46.80 RCW relating to motor vehicle wreckers;
Chapter 46.82 RCW relating to driver's training schools;
RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;
RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 10. This act takes effect July 1, 2015.
Passed by the House March 10, 2014.
Passed by the Senate March 7, 2014.
Approved by the Governor March 28, 2014.
Filed in Office of Secretary of State March 31, 2014.