
ENGROSSED SUBSTITUTE HOUSE BILL 1634

State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Winsley, Appelwick, Forner, Padden, Vance, Miller, D. Sommers, Tate, Wood, Wynne, Horn, Bowman, Neher, Holland, Moyer, Casada, Mitchell, Paris, Chandler, Ferguson, Betrozoff, Lisk, Cole, Scott, R. Johnson, Kremen, Riley, Ballard and Anderson).

Read first time February 22, 1991.

1 AN ACT Relating to penalties for improper use of parking spaces for
2 disabled persons; amending RCW 46.16.381; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.16.381 and 1991 c 339 s 21 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:

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

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

13 (c) Is so severely disabled, that the person cannot walk without
14 the use of or assistance from a brace, cane, another person, prosthetic
15 device, wheelchair, or other assistive device;

1 (d) Uses portable oxygen;

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

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

10 (g) Has a disability resulting from an acute sensitivity to
11 automobile emissions which limits or impairs the ability to walk. The
12 personal physician of the applicant shall document that the disability
13 is comparable in severity to the others listed in this subsection.

14 (2) Persons who qualify for special parking privileges are entitled
15 to receive from the department of licensing a removable windshield
16 placard bearing the international symbol of access. The department
17 shall design the placard to be displayed when the vehicle is parked by
18 suspending it from the rearview mirror, or in the absence of a rearview
19 mirror the card may be displayed on the dashboard of any vehicle used
20 to transport the disabled person. Instead of regular motor vehicle
21 license plates, disabled persons are entitled to receive special
22 license plates bearing the international symbol of access for one
23 vehicle registered in the disabled person's name. Disabled persons who
24 are not issued the special license plates are entitled to receive a
25 second special placard. Persons who have been issued the parking
26 privileges and who are using a vehicle or are riding in a vehicle
27 displaying the special license plates or placard may park in places
28 reserved for mobility disabled persons. The director shall adopt rules
29 providing for the issuance of special placards and license plates to
30 public transportation authorities, nursing homes licensed under chapter

1 18.51 RCW, senior citizen centers, and private nonprofit agencies as
2 defined in chapter 24.03 RCW that regularly transport disabled persons
3 who have been determined eligible for special parking privileges
4 provided under this section. The director may issue special license
5 plates for a vehicle registered in the name of the public
6 transportation authority, nursing home, senior citizen center, or
7 private nonprofit agency if the vehicle is primarily used to transport
8 persons with disabilities described in this section. Public
9 transportation authorities, nursing homes, senior citizen centers, and
10 private nonprofit agencies are responsible for insuring that the
11 special placards and license plates are not used improperly and are
12 responsible for all fines and penalties for improper use.

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

21 (4) The special license plate shall be renewed in the same manner
22 and at the time required for the renewal of regular motor vehicle
23 license plates under this chapter. No special license plate may be
24 issued to a person who is temporarily disabled. A person who has a
25 condition expected to improve within six months may be issued a
26 temporary placard for a period not to exceed six months. The director
27 may issue a second temporary placard during that period if requested by
28 the person who is temporarily disabled. If the condition exists after
29 six months a new temporary placard shall be issued upon receipt of a
30 new certification from the disabled person's physician. The parking

1 placard of a disabled person shall be renewed, when required by the
2 director, by satisfactory proof of the right to continued use of the
3 privileges.

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

9 (6) Any unauthorized use of the special placard or the special
10 license plate is a misdemeanor.

11 (7) It is a traffic infraction, with a monetary penalty of ((~~not~~
12 ~~less than fifteen and not more than~~)) fifty dollars for any person to
13 park a vehicle in a parking place provided on private property without
14 charge or on public property reserved for physically disabled persons
15 without a special license plate or placard. If a person is charged
16 with a violation, the person shall not be determined to have committed
17 an infraction if the person produces in court or before the court
18 appearance the special license plate or placard required under this
19 section.

20 (8) The portion of any penalty imposed under subsection (7) of this
21 section that is retained by a local jurisdiction pursuant to RCW
22 3.46.120, 3.50.100, 3.62.020, 3.62.040, or 35.20.220 shall be used by
23 that local jurisdiction exclusively for law enforcement. The court may
24 also impose an additional penalty sufficient to reimburse the local
25 jurisdiction for any costs it may have incurred in removal and storage
26 of the improperly parked vehicle.

27 (9) It is a misdemeanor for any person to willfully obtain a
28 special license plate or placard in a manner other than that
29 established under this section.