

2 **SHB 2442** - S COMM AMD
3 By Committee on Transportation

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 46.16.381 and 1995 c 384 s 1 are each amended to read
8 as follows:

9 (1) The director shall grant special parking privileges to any
10 person who has a disability that limits or impairs the ability to walk
11 and meets one of the following criteria, as determined by a licensed
12 physician:

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

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

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

19 (d) Uses portable oxygen;

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

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

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

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

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

6 (3) Persons who qualify for special parking privileges are entitled
7 to receive from the department of licensing a removable windshield
8 placard bearing the international symbol of access and an individual
9 serial number, along with a special identification card bearing the
10 photograph, name, and date of birth of the person to whom the placard
11 is issued, and the placard's serial number. The department shall
12 design the placard to be prominently displayed when the vehicle is
13 parked by suspending it from the rearview mirror, or in the absence of
14 a rearview mirror the card may be displayed on the dashboard of any
15 vehicle used to transport the disabled person. Instead of regular
16 motor vehicle license plates, disabled persons are entitled to receive
17 special license plates bearing the international symbol of access for
18 one vehicle registered in the disabled person's name. Disabled persons
19 who are not issued the special license plates are entitled to receive
20 a second special placard upon submitting a written request to the
21 department. Persons who have been issued the parking privileges and
22 who are using a vehicle or are riding in a vehicle displaying the
23 special license plates or placard may park in places reserved for
24 mobility disabled persons. The director shall adopt rules providing
25 for the issuance of special placards and license plates to public
26 transportation authorities, nursing homes licensed under chapter 18.51
27 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen
28 centers, private nonprofit agencies as defined in chapter 24.03 RCW,
29 and vehicles registered with the department as cabulances that
30 regularly transport disabled persons who have been determined eligible
31 for special parking privileges provided under this section. The
32 director may issue special license plates for a vehicle registered in
33 the name of the public transportation authority, nursing home, boarding
34 homes, senior citizen center, private nonprofit agency, or cabulance
35 service if the vehicle is primarily used to transport persons with
36 disabilities described in this section. Public transportation
37 authorities, nursing homes, boarding homes, senior citizen centers,
38 private nonprofit agencies, and cabulance services are responsible for
39 insuring that the special placards and license plates are not used

1 improperly and are responsible for all fines and penalties for improper
2 use.

3 ~~((+3+))~~ (4) Whenever the disabled person transfers or assigns his
4 or her interest in the vehicle, the special license plates shall be
5 removed from the motor vehicle. If another vehicle is acquired by the
6 disabled person and the vehicle owner qualifies for a special plate,
7 the plate shall be attached to the vehicle, and the director shall be
8 immediately notified of the transfer of the plate. If another vehicle
9 is not acquired by the disabled person, the removed plate shall be
10 immediately surrendered to the director.

11 ~~((+4+))~~ (5) The special license plate shall be renewed in the same
12 manner and at the time required for the renewal of regular motor
13 vehicle license plates under this chapter. No special license plate
14 may be issued to a person who is temporarily disabled. A person who
15 has a condition expected to improve within six months may be issued a
16 temporary placard for a period not to exceed six months. ~~((The
17 director may issue a second temporary placard during that period if
18 requested by the person who is temporarily disabled.))~~ If the
19 condition exists after six months a new temporary placard shall be
20 issued upon receipt of a new certification from the disabled person's
21 physician. The permanent parking placard and photo identification card
22 of a disabled person shall be renewed(~~(, when)~~) at least every five
23 years, as required by the director, by satisfactory proof of the right
24 to continued use of the privileges. In the event of the permit
25 holder's death, the parking placard and photo identification card must
26 be immediately surrendered to the department. The department shall
27 match and purge its disabled permit data base with available death
28 record information at least every twelve months.

29 ~~((+5+))~~ (6) Each person who has been issued a permanent disabled
30 parking permit on or before July 1, 1998, must renew the permit no
31 later than July 1, 2003, subject to a schedule to be set by the
32 department, or the permit will expire.

33 (7) Additional fees shall not be charged for the issuance of the
34 special placards or the photo identification cards. No additional fee
35 may be charged for the issuance of the special license plates except
36 the regular motor vehicle registration fee and any other fees and taxes
37 required to be paid upon registration of a motor vehicle.

38 ~~((+6+))~~ (8) Any unauthorized use of the special placard ~~((or the)),~~
39 special license plate, or photo identification card is a

1 ~~((misdemeanor))~~ traffic infraction with a monetary penalty of two
2 hundred fifty dollars.

3 ~~((+7+))~~ (9) It is a parking infraction, with a monetary penalty of
4 two hundred fifty dollars for a person to make inaccessible the access
5 aisle located next to a space reserved for physically disabled persons.
6 The clerk of the court shall report all violations related to this
7 subsection to the department.

8 (10) It is a parking infraction, with a monetary penalty of ~~((one~~
9 ~~hundred seventy five)) two hundred fifty dollars for any person to park~~
10 a vehicle in a parking place provided on private property without
11 charge or on public property reserved for physically disabled persons
12 without a special license plate or placard. If a person is charged
13 with a violation, the person shall not be determined to have committed
14 an infraction if the person produces in court or before the court
15 appearance the special license plate or placard required under this
16 section. A local jurisdiction providing nonmetered, on-street parking
17 places reserved for physically disabled persons may impose by ordinance
18 time restrictions of no less than four hours on the use of these
19 parking places. A local jurisdiction may impose by ordinance time
20 restrictions of no less than four hours on the use of nonreserved, on-
21 street parking spaces by vehicles displaying the special parking
22 placards. All time restrictions must be clearly posted.

23 ~~((+8+))~~ (11) The penalty imposed under subsection ~~((+7+))~~ (9) or
24 (10) of this section shall be used by that local jurisdiction
25 exclusively for law enforcement. The court may also impose an
26 additional penalty sufficient to reimburse the local jurisdiction for
27 any costs it may have incurred in removal and storage of the improperly
28 parked vehicle.

29 ~~((+9+))~~ (12) Except as provided by subsection (2) of this section,
30 it is a ~~((misdemeanor))~~ traffic infraction with a monetary penalty of
31 two hundred fifty dollars for any person ~~((+e))~~ willfully to obtain a
32 special license plate ~~((or))~~, placard, or photo identification card in
33 a manner other than that established under this section.

34 (13)(a) A law enforcement agency authorized to enforce parking laws
35 may commission volunteers to issue notices of infractions for
36 violations of this section or RCW 46.61.581. Volunteers must be at
37 least twenty-one years of age. The law enforcement agency
38 commissioning volunteers may establish any other qualifications the
39 agency deems desirable.

1 (b) An agency commissioning volunteers under this section must
2 provide training to the volunteers before authorizing them to issue
3 notices of infractions.

4 (c) A notice of infraction issued by a volunteer commissioned under
5 this subsection has the same force and effect as a notice of infraction
6 issued by a police officer for the same offense.

7 (d) A police officer or a commissioned volunteer may request a
8 person to show the person's photo identification card or special
9 parking placard when investigating the possibility of a violation of
10 this section. If the request is refused, the person in charge of the
11 vehicle may be issued a notice of infraction for a violation of this
12 section.

13 (e) A police officer may confiscate the special parking placard and
14 photo identification card from a person who fraudulently obtains or
15 uses the placard or photo identification card.

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

19 (a) Community service for a nonprofit organization that serves the
20 disabled community or persons having disabling diseases; or

21 (b) Any other community service that may sensitize the violator to
22 the needs and obstacles faced by persons who have disabilities.

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

25 **Sec. 2.** RCW 46.61.581 and 1988 c 74 s 1 are each amended to read
26 as follows:

27 A parking space or stall for a disabled person shall be indicated
28 by a vertical sign, between thirty-six and eighty-four inches off the
29 ground, with the international symbol of access, whose colors are white
30 on a blue background, described under RCW 70.92.120 and the notice
31 "State disabled parking permit required."

32 Failure of the person owning or controlling the property where
33 required parking spaces are located to erect and maintain the sign is
34 a class ((4)) 2 civil infraction under chapter 7.80 RCW for each
35 parking space that should be so designated. The person owning or
36 controlling the property where the required parking spaces are located
37 shall ensure that the parking spaces are not blocked or made
38 inaccessible, and failure to do so is a class 2 civil infraction.

1 **Sec. 3.** RCW 46.63.020 and 1997 c 229 s 13 and 1997 c 66 s 8 are
2 each reenacted and amended to read as follows:

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

11 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
12 vehicle while under the influence of intoxicating liquor or a
13 controlled substance;

14 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

15 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
16 while under the influence of intoxicating liquor or narcotics or
17 habit-forming drugs or in a manner endangering the person of another;

18 (4) RCW 46.10.130 relating to the operation of snowmobiles;

19 (5) Chapter 46.12 RCW relating to certificates of ownership and
20 registration and markings indicating that a vehicle has been destroyed
21 or declared a total loss;

22 (6) RCW 46.16.010 relating to initial registration of motor
23 vehicles;

24 (7) RCW 46.16.011 relating to permitting unauthorized persons to
25 drive;

26 (8) RCW 46.16.160 relating to vehicle trip permits;

27 (9) RCW 46.16.381 (~~((6) or (9))~~) (2) relating to ((unauthorized use
28 or acquisition of)) knowingly providing false information in
29 conjunction with an application for a special placard or license plate
30 for disabled persons' parking;

31 (10) RCW 46.20.005 relating to driving without a valid driver's
32 license;

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

35 (12) RCW 46.20.336 relating to the unlawful possession and use of
36 a driver's license;

37 (13) RCW 46.20.342 relating to driving with a suspended or revoked
38 license or status;

1 (14) RCW 46.20.410 relating to the violation of restrictions of an
2 occupational driver's license;

3 (15) RCW 46.20.420 relating to the operation of a motor vehicle
4 with a suspended or revoked license;

5 (16) RCW 46.20.740 relating to operation of a motor vehicle without
6 an ignition interlock device in violation of a license notation that
7 the device is required;

8 (17) RCW 46.20.750 relating to assisting another person to start a
9 vehicle equipped with an ignition interlock device;

10 (18) RCW 46.25.170 relating to commercial driver's licenses;

11 (19) Chapter 46.29 RCW relating to financial responsibility;

12 (20) RCW 46.30.040 relating to providing false evidence of
13 financial responsibility;

14 (21) RCW 46.37.435 relating to wrongful installation of
15 sunscreening material;

16 (22) RCW 46.44.180 relating to operation of mobile home pilot
17 vehicles;

18 (23) RCW 46.48.175 relating to the transportation of dangerous
19 articles;

20 (24) RCW 46.52.010 relating to duty on striking an unattended car
21 or other property;

22 (25) RCW 46.52.020 relating to duty in case of injury to or death
23 of a person or damage to an attended vehicle;

24 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,
25 and appraisers;

26 (27) RCW 46.52.100 relating to driving under the influence of
27 liquor or drugs;

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

31 (29) RCW 46.55.020 relating to engaging in the activities of a
32 registered tow truck operator without a registration certificate;

33 (30) RCW 46.55.035 relating to prohibited practices by tow truck
34 operators;

35 (31) RCW 46.61.015 relating to obedience to police officers,
36 flagmen, or fire fighters;

37 (32) RCW 46.61.020 relating to refusal to give information to or
38 cooperate with an officer;

1 (33) RCW 46.61.022 relating to failure to stop and give
2 identification to an officer;

3 (34) RCW 46.61.024 relating to attempting to elude pursuing police
4 vehicles;

5 (35) RCW 46.61.500 relating to reckless driving;

6 (36) RCW 46.61.502 and 46.61.504 relating to persons under the
7 influence of intoxicating liquor or drugs;

8 (37) RCW 46.61.503 relating to a person under age twenty-one
9 driving a motor vehicle after consuming alcohol;

10 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

11 (39) RCW 46.61.522 relating to vehicular assault;

12 (40) RCW 46.61.5249 relating to first degree negligent driving;

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

15 (42) RCW 46.61.530 relating to racing of vehicles on highways;

16 (43) RCW 46.61.685 relating to leaving children in an unattended
17 vehicle with the motor running;

18 (44) RCW 46.64.010 relating to unlawful cancellation of or attempt
19 to cancel a traffic citation;

20 (45) RCW 46.64.048 relating to attempting, aiding, abetting,
21 coercing, and committing crimes;

22 (46) Chapter 46.65 RCW relating to habitual traffic offenders;

23 (47) RCW 46.68.010 relating to false statements made to obtain a
24 refund;

25 (48) Chapter 46.70 RCW relating to unfair motor vehicle business
26 practices, except where that chapter provides for the assessment of
27 monetary penalties of a civil nature;

28 (49) Chapter 46.72 RCW relating to the transportation of passengers
29 in for hire vehicles;

30 (50) RCW 46.72A.060 relating to limousine carrier insurance;

31 (51) RCW 46.72A.070 relating to operation of a limousine without a
32 vehicle certificate;

33 (52) RCW 46.72A.080 relating to false advertising by a limousine
34 carrier;

35 (53) Chapter 46.80 RCW relating to motor vehicle wreckers;

36 (54) Chapter 46.82 RCW relating to driver's training schools;

37 (55) RCW 46.87.260 relating to alteration or forgery of a cab card,
38 letter of authority, or other temporary authority issued under chapter
39 46.87 RCW;

1 (56) RCW 46.87.290 relating to operation of an unregistered or
2 unlicensed vehicle under chapter 46.87 RCW."

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4 By Committee on Transportation

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6 In line 1 of the title, after "persons;" strike the remainder of
7 the title and insert "amending RCW 46.16.381 and 46.61.581; reenacting
8 and amending RCW 46.63.020; and prescribing penalties."

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