

HOUSE BILL REPORT

HB 2442

As Reported By House Committee On:
Transportation Policy & Budget

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

Brief Description: Strengthening laws on disabled persons' parking permits.

Sponsors: Representatives Scott, Robertson, Mitchell, Hatfield, Radcliff, Fisher, Cooper, O'Brien, K. Schmidt, B. Thomas, L. Thomas, Cooke, Zellinsky, Backlund and Carlson.

Brief History:

Committee Activity:

Transportation Policy & Budget: 1/22/98, 2/2/98 [DPS].

HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Mitchell, Vice Chairman; Fisher, Ranking Minority Member; Cooper, Assistant Ranking Minority Member; Backlund; Buck; Cairnes; Chandler; Constantine; DeBolt; Gardner; Hatfield; McCune; Murray; O'Brien; Ogden; Radcliff; Robertson; Romero; Scott; Skinner; Sterk; Wood and Zellinsky.

Staff: Reema Shawa (786-7301).

Background: The disabled parking placard was created to respond to the unique needs of individuals with disabilities that limit or impair their ability to walk. When the parking placard is displayed on a vehicle's rearview mirror, the vehicle is entitled to free, unlimited on-street parking and is authorized to use parking spaces reserved for permit holders. Because the placard has no identification qualities which would link it to the legal permit holder, the fraudulent use of disabled parking placards is a crime easily committed.

Due to the many competing high priority enforcement needs, parking spaces reserved for persons with disabilities are not enforced at the level necessary to lower violation rates. Restricting enforcement levels even more is the fact that the current penalty assignment for fraudulent obtainment and misuse of a parking placard is set at a misdemeanor.

Because this is a criminal classification, violations are only enforceable by police officers as opposed to parking enforcement.

Summary of Substitute Bill: Four key issue areas are addressed in this bill:

1) Permit Identification: Each permit holder will receive a parking placard and an identification card bearing the picture and name of the permit holder, as well as the placard's serial number.

2) Permit Issuance and Renewal: Leg amputees are exempt from the required physician certification process. Permanent permit holders are required to submit a written request to receive an additional parking placard. Temporary permit holders are not eligible to receive additional placards. For permanent permits, a five-year maximum permit renewal cycle is required. The Department of Licensing (DOL) is required to verify the status of permit holders by matching their disabled permit database with available death record information. Based on the results, the database will be purged of all permits belonging to deceased permit holders.

3) Penalty Assignment: Unauthorized use of a parking placard, license plate or picture identification card is a traffic infraction with a monetary penalty of \$250. Obtaining a parking placard, license plate or identification card in a manner other than that established under law is a traffic infraction with a monetary penalty of \$250. Blocking the access isle located adjacent to a space reserved for physically disabled persons is a parking infraction with a monetary penalty of \$175. Second or subsequent violations of disabled parking laws carries the additional penalty of serving a minimum of 40 hours of community service, which will sensitize the violator to the special needs of persons with disabilities. Failure of a property owner to sign and/or maintain parking spaces reserved for physically disabled persons is a class 2 civil infraction. Failure to ensure that the parking spaces are accessible is a class 2 civil infraction. Knowingly providing false information on a disabled parking permit application is a gross misdemeanor with a penalty of up to one year in jail, a fine of up to \$5,000, or both.

4) Enforcement: Local law enforcement agencies are authorized to appoint volunteers to issue notices of infractions for violations of disabled parking laws. Local jurisdictions are authorized to impose, by ordinance, time restrictions of no less than four hours on the use of on-street parking spots by vehicles displaying a parking placard. A minimum time limit standard for the use of on-street parking spaces reserved for physically disabled persons is set at four hours. It is required that all time restrictions be clearly posted.

Substitute Bill Compared to Original Bill: The requirement to have the permit holder's date of birth displayed on the picture identification card is removed.

Language relating to the access isle and the penalty for blocking it is removed from subsection (9) and is made it's own subsection. This was done to ensure that the penalty could not be dismissed in court if the person possessed a disabled parking permit.

Language was added which exempts leg amputees from going through the physician certification process in order to receive the disabled parking permit. Rather, these individuals would be required to go to a licensing office to allow the office supervisor to confirm the amputation. Once it is confirmed, the individual will be certified and made eligible to receive the permit.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will help to decrease the high level of parking placard abuse. It adds needed protection for the legitimate legal permit holders.

Testimony Against: None.

Testified: Glenn Galbreath, Northwest Paralyzed Veterans of America; Barbara Allan, Easter Seal Society of Washington and Governor's Committee on Disability Issues and Employment (GCDE); Carol Hahn, Access Awareness Subcommittee, GCDE; Madeline Hume, Veterans Legislative Coalition, Disabled American Veterans #9; Robert Waidell, citizen; Mert Obert, Washington Association of Sheriffs and Police Chiefs (WASPC); Gary Edwards, Thurston County Sheriff and WASPC; Ken Napper, Seattle Police Department; Patricia Gilbert, Seattle Police Department; and Jim Wadsworth, Department of Licensing.