

SENATE BILL REPORT

SHB 2442

As Reported By Senate Committee On:
Law & Justice, February 25, 1998
Transportation, March 2, 1998

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

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

Sponsors: House Committee on Transportation Policy & Budget (originally sponsored by 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: Law & Justice: 2/20/98, 2/25/98 [w/o Rec-TRAN].
Transportation: 3/2/98 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That it be referred to Committee on Transportation without recommendation.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Hargrove, Kline, Long, McCaslin, Stevens, Thibaudeau and Zarelli.

Staff: Dick Armstrong (786-7460)

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Prince, Chair; Benton, Vice Chair; Wood, Vice Chair; Goings, Haugen, Heavey, Horn, Jacobsen, Morton, Oke, Patterson, Prentice, Rasmussen and Sellar.

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 Amended 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: 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 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. Parking in a space reserved for the physically disabled without a permit is a parking infraction with a monetary penalty of \$250. Blocking the access aisle located adjacent to a space reserved for physically disabled persons is a parking infraction with a monetary penalty of \$250. 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 commission 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.

Amended Bill Compared to Substitute Bill: The amended bill removes the exemption given to leg amputees from acquiring a physician's certification as part of the eligibility requirement for getting a disabled parking permit. The date of birth is included as part of the required information to be displayed on the picture identification card. The following penalty language was added: all monetary fines are set at \$250; the courts are prohibited from suspending more than one half of the monetary penalty; the volunteer enforcement teams must be commissioned,– as opposed to appointed;– and only a law enforcement officer is authorized to confiscate the disabled permit documents from violators.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is needed to protect the rights of the disabled community. The bill will help ensure that the availability of parking will be increased and enforced.

Testimony Against: None.

Testified: PRO: Cherie Tessier, People First of Washington; Toby Olsen, Governor's Commission on Disability; Skip Drepps, Paralyzed Vets of America; Jim Wadsworth, DOL.