

2 **SHB 1376** - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 4/14/99

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

7 "Sec. 1. RCW 46.16.381 and 1998 c 294 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) Those individuals who have lost a lower extremity, partially or
7 completely, are exempt from the physician certification requirement
8 necessary to receive special parking privileges. In order to qualify
9 for special parking privileges, these individuals must apply at a
10 licensing office, and authorized department staff must visually confirm
11 the loss of the lower extremity. The applicant must sign a form
12 certifying that he or she meets the criteria of subsection (1)(a) of
13 this section. Based on this confirmation and certification, the
14 certification of the person's disability is satisfied. The department
15 shall note the criteria for the issuance of the disabled parking permit
16 on the identification card issued under subsection (4) of this section.
17 In addition to other penalties for providing false information on the
18 application, the penalty for providing false information under this
19 subsection is immediate cancellation of the disabled parking permit.

20 (4) Persons who qualify for special parking privileges are entitled
21 to receive from the department of licensing a removable windshield
22 placard bearing the international symbol of access and an individual
23 serial number, along with a special identification card bearing the
24 photograph, name, and date of birth of the person to whom the placard
25 is issued, and the placard's serial number. The department shall
26 design the placard to be displayed when the vehicle is parked by
27 suspending it from the rearview mirror, or in the absence of a rearview
28 mirror the card may be displayed on the dashboard of any vehicle used
29 to transport the disabled person. Instead of regular motor vehicle
30 license plates, disabled persons are entitled to receive special
31 license plates bearing the international symbol of access for one
32 vehicle registered in the disabled person's name. Disabled persons who
33 are not issued the special license plates are entitled to receive a
34 second special placard upon submitting a written request to the
35 department. Persons who have been issued the parking privileges and
36 who are using a vehicle or are riding in a vehicle displaying the
37 special license plates or placard may park in places reserved for
38 mobility disabled persons. The director shall adopt rules providing
39 for the issuance of special placards and license plates to public

1 transportation authorities, nursing homes licensed under chapter 18.51
2 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen
3 centers, private nonprofit agencies as defined in chapter 24.03 RCW,
4 and vehicles registered with the department as cabulances that
5 regularly transport disabled persons who have been determined eligible
6 for special parking privileges provided under this section. The
7 director may issue special license plates for a vehicle registered in
8 the name of the public transportation authority, nursing home, boarding
9 homes, senior citizen center, private nonprofit agency, or cabulance
10 service if the vehicle is primarily used to transport persons with
11 disabilities described in this section. Public transportation
12 authorities, nursing homes, boarding homes, senior citizen centers,
13 private nonprofit agencies, and cabulance services are responsible for
14 insuring that the special placards and license plates are not used
15 improperly and are responsible for all fines and penalties for improper
16 use.

17 ((+4)) (5) Whenever the disabled person transfers or assigns his
18 or her interest in the vehicle, the special license plates shall be
19 removed from the motor vehicle. If another vehicle is acquired by the
20 disabled person and the vehicle owner qualifies for a special plate,
21 the plate shall be attached to the vehicle, and the director shall be
22 immediately notified of the transfer of the plate. If another vehicle
23 is not acquired by the disabled person, the removed plate shall be
24 immediately surrendered to the director.

25 ((+5)) (6) The special license plate shall be renewed in the same
26 manner and at the time required for the renewal of regular motor
27 vehicle license plates under this chapter. No special license plate
28 may be issued to a person who is temporarily disabled. A person who
29 has a condition expected to improve within six months may be issued a
30 temporary placard for a period not to exceed six months. If the
31 condition exists after six months a new temporary placard shall be
32 issued upon receipt of a new certification from the disabled person's
33 physician. The permanent parking placard and photo identification card
34 of a disabled person shall be renewed at least every five years, as
35 required by the director, by satisfactory proof of the right to
36 continued use of the privileges. In the event of the permit holder's
37 death, the parking placard and photo identification card must be
38 immediately surrendered to the department. The department shall match

1 and purge its disabled permit data base with available death record
2 information at least every twelve months.

3 ((+6)) (7) Each person who has been issued a permanent disabled
4 parking permit on or before July 1, 1998, must renew the permit no
5 later than July 1, 2003, subject to a schedule to be set by the
6 department, or the permit will expire.

7 ((+7)) (8) The department may not require existing permit holders
8 to obtain a physician's recertification of their disability in order to
9 renew their disabled parking permits.

10 (9) Additional fees shall not be charged for the issuance of the
11 special placards or the photo identification cards. No additional fee
12 may be charged for the issuance of the special license plates except
13 the regular motor vehicle registration fee and any other fees and taxes
14 required to be paid upon registration of a motor vehicle.

15 ((+8)) (10) Any unauthorized use of the special placard, special
16 license plate, or photo identification card is a traffic infraction
17 with a monetary penalty of two hundred fifty dollars.

18 ((+9)) (11) It is a parking infraction, with a monetary penalty of
19 two hundred fifty dollars for a person to make inaccessible the access
20 aisle located next to a space reserved for physically disabled persons.
21 The clerk of the court shall report all violations related to this
22 subsection to the department.

23 ((+10)) (12) It is a parking infraction, with a monetary penalty
24 of two hundred fifty dollars for any person to park a vehicle in a
25 parking place provided on private property without charge or on public
26 property reserved for physically disabled persons without a special
27 license plate or placard. If a person is charged with a violation, the
28 person shall not be determined to have committed an infraction if the
29 person produces in court or before the court appearance the special
30 license plate or placard required under this section. A local
31 jurisdiction providing nonmetered, on-street parking places reserved
32 for physically disabled persons may impose by ordinance time
33 restrictions of no less than four hours on the use of these parking
34 places. A local jurisdiction may impose by ordinance time restrictions
35 of no less than four hours on the use of nonreserved, on-street parking
36 spaces by vehicles displaying the special parking placards. All time
37 restrictions must be clearly posted.

38 ((+11)) (13) The penalties imposed under subsections ((+9) and
39 ((+10))) (11) and (12) of this section shall be used by that local

1 jurisdiction exclusively for law enforcement. The court may also
2 impose an additional penalty sufficient to reimburse the local
3 jurisdiction for any costs it may have incurred in removal and storage
4 of the improperly parked vehicle.

5 ((+12)) (14) Except as provided by subsection (2) of this section,
6 it is a traffic infraction with a monetary penalty of two hundred fifty
7 dollars for any person willfully to obtain a special license plate,
8 placard, or photo identification card in a manner other than that
9 established under this section.

10 ((+13)) (15)(a) A law enforcement agency authorized to enforce
11 parking laws may appoint volunteers, with a limited commission, to
12 issue notices of infractions for violations of this section or RCW
13 46.61.581. Volunteers must be at least twenty-one years of age. The
14 law enforcement agency appointing volunteers may establish any other
15 qualifications the agency deems desirable.

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

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

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

27 ((+14)) (16) For second or subsequent violations of this section,
28 in addition to a monetary fine, the violator must complete a minimum of
29 forty hours of:

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

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

34 ((+15)) (17) The court may not suspend more than one-half of any
35 fine imposed under subsection ((8), (9),) (10), ((or)) (11), (12), or
36 (14) of this section."

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4 In line 1 of the title, after "amputees;" strike the remainder of
5 the title and insert "amending RCW 46.16.381; and prescribing
6 penalties."

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