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HOUSE BILL 1376

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State of Washington

56th Legislature

1999 Regular Session

By Representatives G. Chandler, Fisher, Mitchell, K. Schmidt, Romero, Mielke, Skinner, Scott, O'Brien, Wood and Mulliken

Read first time 01/22/1999. Referred to Committee on Transportation.

1 AN ACT Relating to special parking privileges for leg amputees; and  
2 amending RCW 46.16.381.

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

4 **Sec. 1.** RCW 46.16.381 and 1998 c 294 s 1 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;

16 (d) Uses portable oxygen;

17 (e) Is restricted by lung disease to such an extent that forced  
18 expiratory respiratory volume, when measured by spirometry is less than

1 one liter per second or the arterial oxygen tension is less than sixty  
2 mm/hg on room air at rest;

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

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

11 (2) The applications for disabled parking permits and temporary  
12 disabled parking permits are official state documents. Knowingly  
13 providing false information in conjunction with the application is a  
14 gross misdemeanor punishable under chapter 9A.20 RCW. The following  
15 statement must appear on each application form immediately below the  
16 physician's signature and immediately below the applicant's signature:  
17 "A disabled parking permit may be issued only for a medical necessity  
18 that severely affects mobility (RCW 46.16.381). Knowingly providing  
19 false information on this application is a gross misdemeanor. The  
20 penalty is up to one year in jail and a fine of up to \$5,000 or both."

21 (3) Those individuals who have one or both legs amputated and do  
22 not use a prosthetic device are exempt from the physician certification  
23 requirement necessary to receive special parking privileges. In order  
24 to qualify for special parking privileges, leg amputees must apply at  
25 a licensing office, and the licensing office supervisor must visually  
26 confirm the amputation. Based on this confirmation, the certification  
27 of the person's disability is satisfied. All leg amputees who are  
28 existing permit holders on the effective date of this act, including  
29 those who employ the use of a prosthetic device are exempt from all  
30 recertification processes required by the department.

31 (4) Persons who qualify for special parking privileges are entitled  
32 to receive from the department of licensing a removable windshield  
33 placard bearing the international symbol of access and an individual  
34 serial number, along with a special identification card bearing the  
35 photograph, name, and date of birth of the person to whom the placard  
36 is issued, and the placard's serial number. The department shall  
37 design the placard to be displayed when the vehicle is parked by  
38 suspending it from the rearview mirror, or in the absence of a rearview  
39 mirror the card may be displayed on the dashboard of any vehicle used

1 to transport the disabled person. Instead of regular motor vehicle  
2 license plates, disabled persons are entitled to receive special  
3 license plates bearing the international symbol of access for one  
4 vehicle registered in the disabled person's name. Disabled persons who  
5 are not issued the special license plates are entitled to receive a  
6 second special placard upon submitting a written request to the  
7 department. Persons who have been issued the parking privileges and  
8 who are using a vehicle or are riding in a vehicle displaying the  
9 special license plates or placard may park in places reserved for  
10 mobility disabled persons. The director shall adopt rules providing  
11 for the issuance of special placards and license plates to public  
12 transportation authorities, nursing homes licensed under chapter 18.51  
13 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen  
14 centers, private nonprofit agencies as defined in chapter 24.03 RCW,  
15 and vehicles registered with the department as cabulances that  
16 regularly transport disabled persons who have been determined eligible  
17 for special parking privileges provided under this section. The  
18 director may issue special license plates for a vehicle registered in  
19 the name of the public transportation authority, nursing home, boarding  
20 homes, senior citizen center, private nonprofit agency, or cabulance  
21 service if the vehicle is primarily used to transport persons with  
22 disabilities described in this section. Public transportation  
23 authorities, nursing homes, boarding homes, senior citizen centers,  
24 private nonprofit agencies, and cabulance services are responsible for  
25 insuring that the special placards and license plates are not used  
26 improperly and are responsible for all fines and penalties for improper  
27 use.

28 ~~((+4))~~ (5) Whenever the disabled person transfers or assigns his  
29 or her interest in the vehicle, the special license plates shall be  
30 removed from the motor vehicle. If another vehicle is acquired by the  
31 disabled person and the vehicle owner qualifies for a special plate,  
32 the plate shall be attached to the vehicle, and the director shall be  
33 immediately notified of the transfer of the plate. If another vehicle  
34 is not acquired by the disabled person, the removed plate shall be  
35 immediately surrendered to the director.

36 ~~((+5))~~ (6) The special license plate shall be renewed in the same  
37 manner and at the time required for the renewal of regular motor  
38 vehicle license plates under this chapter. No special license plate  
39 may be issued to a person who is temporarily disabled. A person who

1 has a condition expected to improve within six months may be issued a  
2 temporary placard for a period not to exceed six months. If the  
3 condition exists after six months a new temporary placard shall be  
4 issued upon receipt of a new certification from the disabled person's  
5 physician. The permanent parking placard and photo identification card  
6 of a disabled person shall be renewed at least every five years, as  
7 required by the director, by satisfactory proof of the right to  
8 continued use of the privileges. In the event of the permit holder's  
9 death, the parking placard and photo identification card must be  
10 immediately surrendered to the department. The department shall match  
11 and purge its disabled permit data base with available death record  
12 information at least every twelve months.

13 ~~((+6))~~ (7) Each person who has been issued a permanent disabled  
14 parking permit on or before July 1, 1998, must renew the permit no  
15 later than July 1, 2003, subject to a schedule to be set by the  
16 department, or the permit will expire.

17 ~~((+7))~~ (8) Additional fees shall not be charged for the issuance  
18 of the special placards or the photo identification cards. No  
19 additional fee may be charged for the issuance of the special license  
20 plates except the regular motor vehicle registration fee and any other  
21 fees and taxes required to be paid upon registration of a motor  
22 vehicle.

23 ~~((+8))~~ (9) Any unauthorized use of the special placard, special  
24 license plate, or photo identification card is a traffic infraction  
25 with a monetary penalty of two hundred fifty dollars.

26 ~~((+9))~~ (10) It is a parking infraction, with a monetary penalty of  
27 two hundred fifty dollars for a person to make inaccessible the access  
28 aisle located next to a space reserved for physically disabled persons.  
29 The clerk of the court shall report all violations related to this  
30 subsection to the department.

31 ~~((+10))~~ (11) It is a parking infraction, with a monetary penalty  
32 of two hundred fifty dollars for any person to park a vehicle in a  
33 parking place provided on private property without charge or on public  
34 property reserved for physically disabled persons without a special  
35 license plate or placard. If a person is charged with a violation, the  
36 person shall not be determined to have committed an infraction if the  
37 person produces in court or before the court appearance the special  
38 license plate or placard required under this section. A local  
39 jurisdiction providing nonmetered, on-street parking places reserved

1 for physically disabled persons may impose by ordinance time  
2 restrictions of no less than four hours on the use of these parking  
3 places. A local jurisdiction may impose by ordinance time restrictions  
4 of no less than four hours on the use of nonreserved, on-street parking  
5 spaces by vehicles displaying the special parking placards. All time  
6 restrictions must be clearly posted.

7 ~~((11))~~ (12) The penalties imposed under subsections ~~((9) and)~~  
8 (10) and (11) of this section shall be used by that local jurisdiction  
9 exclusively for law enforcement. The court may also impose an  
10 additional penalty sufficient to reimburse the local jurisdiction for  
11 any costs it may have incurred in removal and storage of the improperly  
12 parked vehicle.

13 ~~((12))~~ (13) Except as provided by subsection (2) of this section,  
14 it is a traffic infraction with a monetary penalty of two hundred fifty  
15 dollars for any person willfully to obtain a special license plate,  
16 placard, or photo identification card in a manner other than that  
17 established under this section.

18 ~~((13))~~ (14)(a) A law enforcement agency authorized to enforce  
19 parking laws may appoint volunteers, with a limited commission, to  
20 issue notices of infractions for violations of this section or RCW  
21 46.61.581. Volunteers must be at least twenty-one years of age. The  
22 law enforcement agency appointing volunteers may establish any other  
23 qualifications the agency deems desirable.

24 (b) An agency appointing volunteers under this section must provide  
25 training to the volunteers before authorizing them to issue notices of  
26 infractions.

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

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

35 ~~((14))~~ (15) For second or subsequent violations of this section,  
36 in addition to a monetary fine, the violator must complete a minimum of  
37 forty hours of:

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

1 (b) Any other community service that may sensitize the violator to  
2 the needs and obstacles faced by persons who have disabilities.  
3 (~~(15)~~) (16) The court may not suspend more than one-half of any  
4 fine imposed under subsection (~~(8)~~) (9), (10), (11), or (~~(12)~~)  
5 (13) of this section.

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