

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1000

Chapter 44, Laws of 2007

(partial veto)

60th Legislature
2007 Regular Session

PORPHYRIA--SPECIAL PARKING

EFFECTIVE DATE: 07/22/07

Passed by the House February 28, 2007
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 3, 2007
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved April 17, 2007, 9:09 a.m.,
with the exception of section 2, which
is vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1000** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 17, 2007

**Secretary of State
State of Washington**

HOUSE BILL 1000

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Representatives Kessler, Kagi, Wallace, Moeller, B. Sullivan,
Wood, Warnick and Ormsby

Prefiled 12/18/2006. Read first time 01/08/2007. Referred to
Committee on Transportation.

1 AN ACT Relating to adding porphyria to the list of disabilities for
2 special parking privileges; amending RCW 46.16.381; providing an
3 effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 46.16.381 and 2006 c 357 s 2 are each amended to read
6 as follows:

7 (1) The director shall grant special parking privileges to any
8 person who has a disability that limits or impairs the ability to walk
9 or involves acute sensitivity to light and meets one of the following
10 criteria, as determined by a licensed physician or an advanced
11 registered nurse practitioner licensed under chapter 18.79 RCW:

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

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

15 (c) Has such a severe disability, that the person cannot walk
16 without the use of or assistance from a brace, cane, another person,
17 prosthetic device, wheelchair, or other assistive device;

18 (d) Uses portable oxygen;

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

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

9 (g) Has a disability resulting from an acute sensitivity to
10 automobile emissions which limits or impairs the ability to walk. The
11 personal physician or advanced registered nurse practitioner of the
12 applicant shall document that the disability is comparable in severity
13 to the others listed in this subsection; ((~~or~~))

14 (h) Is legally blind and has limited mobility; or

15 (i) Is restricted by a form of porphyria to the extent that the
16 applicant would significantly benefit from a decrease in exposure to
17 light.

18 (2) The applications for parking permits for persons with
19 disabilities and parking permits for persons with temporary
20 disabilities are official state documents. Knowingly providing false
21 information in conjunction with the application is a gross misdemeanor
22 punishable under chapter 9A.20 RCW. The following statement must
23 appear on each application form immediately below the physician's or
24 advanced registered nurse practitioner's signature and immediately
25 below the applicant's signature: "A parking permit for a person with
26 disabilities may be issued only for a medical necessity that severely
27 affects mobility or involves acute sensitivity to light (RCW
28 46.16.381). Knowingly providing false information on this application
29 is a gross misdemeanor. The penalty is up to one year in jail and a
30 fine of up to \$5,000 or both."

31 (3) 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 name and date of birth of the person to whom the placard is issued, and
36 the placard's serial number. The special identification card shall be
37 issued to all persons who are issued parking placards, including those
38 issued for temporary disabilities, and special parking license plates

1 for persons with disabilities. The department shall design the placard
2 to be displayed when the vehicle is parked by suspending it from the
3 rearview mirror, or in the absence of a rearview mirror the card may be
4 displayed on the dashboard of any vehicle used to transport the person
5 with disabilities. Instead of regular motor vehicle license plates,
6 persons with disabilities are entitled to receive special license
7 plates under this section or RCW 46.16.385 bearing the international
8 symbol of access for one vehicle registered in the name of the person
9 with disabilities. Persons with disabilities who are not issued the
10 special license plates are entitled to receive a second special placard
11 upon submitting a written request to the department. Persons who have
12 been issued the parking privileges and who are using a vehicle or are
13 riding in a vehicle displaying the placard or special license plates
14 issued under this section or RCW 46.16.385 may park in places reserved
15 for persons with physical disabilities. The director shall adopt rules
16 providing for the issuance of special placards and license plates to
17 public transportation authorities, nursing homes licensed under chapter
18 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior
19 citizen centers, private nonprofit agencies as defined in chapter 24.03
20 RCW, and vehicles registered with the department as cabulances that
21 regularly transport persons with disabilities who have been determined
22 eligible for special parking privileges provided under this section.
23 The director may issue special license plates for a vehicle registered
24 in the name of the public transportation authority, nursing home,
25 boarding home, senior citizen center, private nonprofit agency, or
26 cabulance service if the vehicle is primarily used to transport persons
27 with disabilities described in this section. Public transportation
28 authorities, nursing homes, boarding homes, senior citizen centers,
29 private nonprofit agencies, and cabulance services are responsible for
30 insuring that the special placards and license plates are not used
31 improperly and are responsible for all fines and penalties for improper
32 use.

33 (4) Whenever the person with disabilities transfers or assigns his
34 or her interest in the vehicle, the special license plates shall be
35 removed from the motor vehicle. If another vehicle is acquired by the
36 person with disabilities and the vehicle owner qualifies for a special
37 plate, the plate shall be attached to the vehicle, and the director

1 shall be immediately notified of the transfer of the plate. If another
2 vehicle is not acquired by the person with disabilities, the removed
3 plate shall be immediately surrendered to the director.

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

20 (6) Additional fees shall not be charged for the issuance of the
21 special placards or the identification cards. No additional fee may be
22 charged for the issuance of the special license plates except the
23 regular motor vehicle registration fee and any other fees and taxes
24 required to be paid upon registration of a motor vehicle.

25 (7) Any unauthorized use of the special placard, special license
26 plate issued under this section or RCW 46.16.385, or identification
27 card is a traffic infraction with a monetary penalty of two hundred
28 fifty dollars.

29 (8) It is a parking infraction, with a monetary penalty of two
30 hundred fifty dollars for a person to make inaccessible the access
31 aisle located next to a space reserved for persons with physical
32 disabilities. The clerk of the court shall report all violations
33 related to this subsection to the department.

34 (9) It is a parking infraction, with a monetary penalty of two
35 hundred fifty dollars for any person to park a vehicle in a parking
36 place provided on private property without charge or on public property
37 reserved for persons with physical disabilities without a placard or
38 special license plate issued under this section or RCW 46.16.385. If

1 a person is charged with a violation, the person shall not be
2 determined to have committed an infraction if the person produces in
3 court or before the court appearance the placard or special license
4 plate issued under this section or RCW 46.16.385 required under this
5 section. A local jurisdiction providing nonmetered, on-street parking
6 places reserved for persons with physical disabilities may impose by
7 ordinance time restrictions of no less than four hours on the use of
8 these parking places. A local jurisdiction may impose by ordinance
9 time restrictions of no less than four hours on the use of nonreserved,
10 on-street parking spaces by vehicles displaying the special parking
11 placards or special license plates issued under this section or RCW
12 46.16.385. All time restrictions must be clearly posted.

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

18 (11) Except as provided by subsection (2) of this section, it is a
19 traffic infraction with a monetary penalty of two hundred fifty dollars
20 for any person willfully to obtain a special license plate issued under
21 this section or RCW 46.16.385, placard, or identification card in a
22 manner other than that established under this section.

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

29 (b) An agency appointing volunteers under this section must provide
30 training to the volunteers before authorizing them to issue notices of
31 infractions.

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

35 (d) A police officer or a volunteer may request a person to show
36 the person's identification card or special parking placard when
37 investigating the possibility of a violation of this section. If the

1 request is refused, the person in charge of the vehicle may be issued
2 a notice of infraction for a violation of this section.

3 (13) For second or subsequent violations of this section, in
4 addition to a monetary fine, the violator must complete a minimum of
5 forty hours of:

6 (a) Community restitution for a nonprofit organization that serves
7 persons having disabilities or disabling diseases; or

8 (b) Any other community restitution that may sensitize the violator
9 to the needs and obstacles faced by persons who have disabilities.

10 (14) The court may not suspend more than one-half of any fine
11 imposed under subsection (7), (8), (9), or (11) of this section.

12 (15) For the purposes of this section, "legally blind" means a
13 person who: (a) Has no vision or whose vision with corrective lenses
14 is so limited that the individual requires alternative methods or
15 skills to do efficiently those things that are ordinarily done with
16 sight by individuals with normal vision; or (b) has an eye condition of
17 a progressive nature which may lead to blindness.

18 ****NEW SECTION. Sec. 2. This act is necessary for the immediate***
19 ***preservation of the public peace, health, or safety, or support of the***
20 ***state government and its existing public institutions, and takes effect***
21 ***July 1, 2007.***

**Sec. 2 was vetoed. See message at end of chapter.*

Passed by the House February 28, 2007.

Passed by the Senate April 3, 2007.

Approved by the Governor April 17, 2007, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 17, 2007.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 2, House Bill No.
1000 entitled:

"AN ACT Relating to adding porphyria to the list of disabilities
for special parking privileges."

Section 2, the emergency clause, was retained from a previous version
of the bill. The bill sponsor, stakeholders and the Department of
Licensing do not feel it is a necessary component of the bill. An
emergency clause is used when immediate enactment of a bill is
necessary to preserve the public peace, health, or safety or when it
is necessary for the support of state government. It should be used
sparingly because its application has the effect of limiting
citizens' right to referendum. If retained, the emergency clause
would move forward implementation of House Bill No. 1000 by
approximately 15 days. Delaying the bill's implementation by 15 days
does not rise to the level of public health risk necessitating an
emergency clause.

For these reasons, I have vetoed Section 2 of House Bill No. 1000.

With the exception of Section 2, House Bill No. 1000 is approved."