

# HOUSE BILL REPORT

## SHB 1515

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### As Passed Legislature

**Title:** An act relating to signed written authorizations for special parking privileges.

**Brief Description:** Clarifying the appropriate format for signed written authorizations for special parking privileges.

**Sponsors:** House Committee on Transportation (originally sponsored by Representatives Graves, Riccelli and Kraft).

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/6/17, 2/15/17 [DPS].

##### **Floor Activity:**

Passed House: 2/27/17, 96-0.

Passed Senate: 3/31/17, 46-0.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Broadens the documentation currently required for an individual to obtain a disabled parking placard or license plate by permitting submission of signed written authorization from specified health care practitioners on a prescription pad or paper, office letterhead, or by electronic means.
- Grants the Department of Licensing the authority to establish rules governing the electronic means a health care practitioner may use to submit a signed written authorization for special parking privileges for persons with disabilities.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Rodne, Shea, Stambaugh, Tarleton, Van Werven and Young.

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Jennifer Harris (786-7143).

**Background:**

Current Law.

Individuals who meet one of the following criteria may apply for special parking privileges: (1) cannot walk 200 feet without stopping or resting; (2) is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition; (3) has such a severe disability that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device; (4) uses portable oxygen; (5) is restricted by lung disease to an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than 60 millimeters of mercury (mmHg); (6) impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as Class III or IV under standards accepted by the American Heart Association; (7) has a disability resulting from an acute sensitivity to automobile emissions that limits or impairs the ability to walk and the disability is comparable to other qualifying disabilities; (8) has limited mobility and no vision or whose vision with corrective lenses is so limited that the person requires alternative methods or skills to efficiently do things ordinarily done by sight by those with standard vision; (9) has an eye condition of a progressive nature that may lead to blindness; or (10) is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.

The disability must be determined by a licensed physician, a licensed advanced registered nurse practitioner, or a licensed physician's assistant. A health care practitioner with prescriptive authority must provide a signed written authorization on tamper-resistant prescription pad or paper. A health care practitioner without prescriptive authority must provide the signed written authorization on his or her office letterhead. This authorization must be attached to an application for special parking privileges for individuals with disabilities. In addition, the application must contain the following statement immediately below the health care practitioner's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (RCW 46.19.010). An applicant or health care practitioner who knowingly provides false information on this application is guilty of a gross misdemeanor. The penalty is up to three hundred sixty-four days in jail and a fine of up to \$5,000 or both. In addition, the health care practitioner may be subject to sanctions under chapter 18.130 RCW, the Uniform Disciplinary Act."

An individual with a qualifying disability that is expected to improve within 12 months may only be issued a temporary placard for a period that does not exceed 12 months. After 12 months, should the qualifying disability still be present, a new application with health care certification must be submitted. Otherwise, special parking privileges for individuals with disabilities must be renewed at least every five years, with signed written authorization from a health care practitioner provided in the renewal application.

An individual who qualifies for special parking privileges must receive an identification card with his or her name and date of birth and the serial number of the placard issued to him or

her. An individual who qualifies for permanent special parking privileges may receive one of the following: (a) up to two parking placards; (b) one set of special license plates for persons with disabilities, if the individual with the disability is the registered owner of the vehicle; (c) one parking placard and one set of special license plates for persons with disabilities, if the individual with the disability is the registered owner of the vehicle; or (d) one special parking year tab for persons with disabilities and one parking placard. Parking placards and identification cards must be issued free of charge. The parking placard and identification card must be returned to the Department of Licensing (DOL) immediately upon the placard holder's death.

Knowingly providing false information in conjunction with the application for special parking privileges for individuals with disabilities is a gross misdemeanor.

#### Recent Changes to Law.

Prior to 2015, the law governing eligibility for special parking privileges did not include the requirement that an application include a signed written authorization by a health care practitioner on tamper-resistant prescription pad or paper or on office letterhead, and the statement on the application that required a health care practitioner's signature did not note the possibility of sanctions related to professional licensure. Temporary placards were permitted to remain in effect for up to six months rather than up to 12 months.

#### **Summary of Substitute Bill:**

A licensed physician, a licensed advanced registered nurse practitioner, or a licensed physician's assistant who finds that an individual has a disability that qualifies him or her for special parking privileges must provide that individual with a signed written authorization on a prescription pad or paper, on office letterhead, or by electronic means to be submitted with his or her application to the DOL for special parking privileges in order for the application to be considered. The DOL has the authority to establish rules governing the electronic means a health care practitioner may use to submit a signed written authorization for special parking privileges for persons with disabilities.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

#### **Staff Summary of Public Testimony:**

(In support) This is a clean-up bill. In 2014 a provision was added to the law in House Bill 2463 that requires doctors to issue a request for a placard on a prescription pad or paper. This language is outdated and does not align with current medical practices. This bill would allow doctors to use electronic means or office letterhead rather than be limited to the use of prescription pads. The addition of the DOL rule-making authority to the bill would enable the agency to establish rules to ensure the electronic means used will prevent the potential for

fraud. This bill makes life a little easier for doctors asking for and patients requesting disability parking placards.

(Opposed) None.

**Persons Testifying:** Representative Graves, prime sponsor; and Trevor Justin, Washington State Medical Association.

**Persons Signed In To Testify But Not Testifying:** None.