
SENATE BILL 5148

State of Washington

53rd Legislature

1993 Regular Session

By Senator Winsley

Read first time 01/15/93. Referred to Committee on Transportation.

1 AN ACT Relating to penalties for improper use of parking spaces for
2 disabled persons; amending RCW 46.16.381; and prescribing penalties.

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

4 **Sec. 1.** RCW 46.16.381 and 1992 c 148 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) Persons who qualify for special parking privileges are entitled
12 to receive from the department of licensing a removable windshield
13 placard bearing the international symbol of access. The department
14 shall design the placard to be displayed when the vehicle is parked by
15 suspending it from the rearview mirror, or in the absence of a rearview
16 mirror the card may be displayed on the dashboard of any vehicle used
17 to transport the disabled person. Instead of regular motor vehicle
18 license plates, disabled persons are entitled to receive special
19 license plates bearing the international symbol of access for one
20 vehicle registered in the disabled person's name. Disabled persons who
21 are not issued the special license plates are entitled to receive a
22 second special placard. Persons who have been issued the parking
23 privileges and who are using a vehicle or are riding in a vehicle
24 displaying the special license plates or placard may park in places
25 reserved for mobility disabled persons. The director shall adopt rules
26 providing for the issuance of special placards and license plates to
27 public transportation authorities, nursing homes licensed under chapter
28 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior
29 citizen centers, and private nonprofit agencies as defined in chapter
30 24.03 RCW that regularly transport disabled persons who have been
31 determined eligible for special parking privileges provided under this
32 section. The director may issue special license plates for a vehicle
33 registered in the name of the public transportation authority, nursing
34 home, boarding homes, senior citizen center, or private nonprofit
35 agency if the vehicle is primarily used to transport persons with
36 disabilities described in this section. Public transportation
37 authorities, nursing homes, boarding homes, senior citizen centers, and
38 private nonprofit agencies are responsible for insuring that the

1 special placards and license plates are not used improperly and are
2 responsible for all fines and penalties for improper use.

3 (3) Whenever the disabled person transfers or assigns his or her
4 interest in the vehicle, the special license plates shall be removed
5 from the motor vehicle. If another vehicle is acquired by the disabled
6 person and the vehicle owner qualifies for a special plate, the plate
7 shall be attached to the vehicle, and the director shall be immediately
8 notified of the transfer of the plate. If another vehicle is not
9 acquired by the disabled person, the removed plate shall be immediately
10 surrendered to the director.

11 (4) The special license plate shall be renewed in the same manner
12 and at the time required for the renewal of regular motor vehicle
13 license plates under this chapter. No special license plate may be
14 issued to a person who is temporarily disabled. A person who has a
15 condition expected to improve within six months may be issued a
16 temporary placard for a period not to exceed six months. The director
17 may issue a second temporary placard during that period if requested by
18 the person who is temporarily disabled. If the condition exists after
19 six months a new temporary placard shall be issued upon receipt of a
20 new certification from the disabled person's physician. The parking
21 placard of a disabled person shall be renewed, when required by the
22 director, by satisfactory proof of the right to continued use of the
23 privileges.

24 (5) Additional fees shall not be charged for the issuance of the
25 special placards. No additional fee may be charged for the issuance of
26 the special license plates except the regular motor vehicle
27 registration fee and any other fees and taxes required to be paid upon
28 registration of a motor vehicle.

29 (6) Any unauthorized use of the special placard or the special
30 license plate is a misdemeanor.

31 (7) It is a traffic infraction, with a monetary penalty of (~~not~~
32 ~~less than fifteen and not more than~~) fifty dollars for any person to
33 park a vehicle in a parking place provided on private property without
34 charge or on public property reserved for physically disabled persons
35 without a special license plate or placard. If a person is charged
36 with a violation, the person shall not be determined to have committed
37 an infraction if the person produces in court or before the court
38 appearance the special license plate or placard required under this
39 section.

1 (8) The portion of a penalty imposed under subsection (7) of this
2 section that is retained by a local jurisdiction under RCW 3.46.120,
3 3.50.100, 3.62.020, 3.62.040, or 35.20.220 shall be used by that local
4 jurisdiction exclusively for law enforcement. The court may also
5 impose an additional penalty sufficient to reimburse the local
6 jurisdiction for any costs it may have incurred in removal and storage
7 of the improperly parked vehicle.

8 (9) It is a misdemeanor for any person to willfully obtain a
9 special license plate or placard in a manner other than that
10 established under this section.

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