

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 6190

Chapter 294, Laws of 1998

55th Legislature
1998 Regular Session

SPECIAL PARKING PRIVILEGES FOR DISABLED PERSONS--REVISIONS

EFFECTIVE DATE: 6/11/98

Passed by the Senate March 12, 1998
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 11, 1998
YEAS 96 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 2, 1998

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 6190** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

April 2, 1998 - 2:35 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 6190

AS RECOMMENDED BY CONFERENCE COMMITTEE

Passed Legislature - 1998 Regular Session

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Oke, Goings, Bauer, Haugen, Wood and Fraser)

Read first time 02/10/98.

1 AN ACT Relating to special parking privileges for disabled persons;
2 amending RCW 46.16.381 and 46.61.581; reenacting and amending RCW
3 46.63.020; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.16.381 and 1995 c 384 s 1 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 and meets one of the following criteria, as determined by a licensed
10 physician:

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

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

14 (c) Is so severely disabled, that the person cannot walk without
15 the use of or assistance from a brace, cane, another person, prosthetic
16 device, wheelchair, or other assistive device;

17 (d) Uses portable oxygen;

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

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

18 ~~((+3))~~ (4) Whenever the disabled person transfers or assigns his
19 or her interest in the vehicle, the special license plates shall be
20 removed from the motor vehicle. If another vehicle is acquired by the
21 disabled person and the vehicle owner qualifies for a special plate,
22 the plate shall be attached to the vehicle, and the director shall be
23 immediately notified of the transfer of the plate. If another vehicle
24 is not acquired by the disabled person, the removed plate shall be
25 immediately surrendered to the director.

26 ~~((+4))~~ (5) The special license plate shall be renewed in the same
27 manner and at the time required for the renewal of regular motor
28 vehicle license plates under this chapter. No special license plate
29 may be issued to a person who is temporarily disabled. A person who
30 has a condition expected to improve within six months may be issued a
31 temporary placard for a period not to exceed six months. ~~((The
32 director may issue a second temporary placard during that period if
33 requested by the person who is temporarily disabled.))~~ If the
34 condition exists after six months a new temporary placard shall be
35 issued upon receipt of a new certification from the disabled person's
36 physician. The permanent parking placard and photo identification card
37 of a disabled person shall be renewed~~((, when))~~ at least every five
38 years, as required by the director, by satisfactory proof of the right
39 to continued use of the privileges. In the event of the permit

1 holder's death, the parking placard and photo identification card must
2 be immediately surrendered to the department. The department shall
3 match and purge its disabled permit data base with available death
4 record information at least every twelve months.

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

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

14 ~~((+6))~~ (8) Any unauthorized use of the special placard (~~or the~~),
15 special license plate, or photo identification card is a
16 ~~((misdemeanor))~~ traffic infraction with a monetary penalty of two
17 hundred fifty dollars.

18 ~~((+7))~~ (9) 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) It is a parking infraction, with a monetary penalty of (~~one~~
24 hundred seventy five)) two hundred fifty dollars for any person to park
25 a vehicle in a parking place provided on private property without
26 charge or on public property reserved for physically disabled persons
27 without a special license plate or placard. If a person is charged
28 with a violation, the person shall not be determined to have committed
29 an infraction if the person produces in court or before the court
30 appearance the special license plate or placard required under this
31 section. A local jurisdiction providing nonmetered, on-street parking
32 places reserved for physically disabled persons may impose by ordinance
33 time restrictions of no less than four hours on the use of these
34 parking places. A local jurisdiction may impose by ordinance time
35 restrictions of no less than four hours on the use of nonreserved, on-
36 street parking spaces by vehicles displaying the special parking
37 placards. All time restrictions must be clearly posted.

38 ~~((+8))~~ (11) The (~~penalty~~) penalties imposed under subsections
39 ~~((+7))~~ (9) and (10) 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 ~~((9))~~ (12) Except as provided by subsection (2) of this section,
6 it is a ~~((misdemeanor))~~ traffic infraction with a monetary penalty of
7 two hundred fifty dollars for any person ~~((to))~~ willfully to obtain a
8 special license plate ~~((or))~~, placard, or photo identification card in
9 a manner other than that established under this section.

10 (13)(a) A law enforcement agency authorized to enforce parking laws
11 may appoint volunteers, with a limited commission, to issue notices of
12 infractions for violations of this section or RCW 46.61.581.
13 Volunteers must be at least twenty-one years of age. The law
14 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) For second or subsequent violations of this section, in
28 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) The court may not suspend more than one-half of any fine
35 imposed under subsection (8), (9), (10), or (12) of this section.

36 **Sec. 2.** RCW 46.61.581 and 1988 c 74 s 1 are each amended to read
37 as follows:

1 A parking space or stall for a disabled person shall be indicated
2 by a vertical sign, between thirty-six and eighty-four inches off the
3 ground, with the international symbol of access, whose colors are white
4 on a blue background, described under RCW 70.92.120 and the notice
5 "State disabled parking permit required."

6 Failure of the person owning or controlling the property where
7 required parking spaces are located to erect and maintain the sign is
8 a class ((4)) 2 civil infraction under chapter 7.80 RCW for each
9 parking space that should be so designated. The person owning or
10 controlling the property where the required parking spaces are located
11 shall ensure that the parking spaces are not blocked or made
12 inaccessible, and failure to do so is a class 2 civil infraction.

13 **Sec. 3.** RCW 46.63.020 and 1997 c 229 s 13 and 1997 c 66 s 8 are
14 each reenacted and amended to read as follows:

15 Failure to perform any act required or the performance of any act
16 prohibited by this title or an equivalent administrative regulation or
17 local law, ordinance, regulation, or resolution relating to traffic
18 including parking, standing, stopping, and pedestrian offenses, is
19 designated as a traffic infraction and may not be classified as a
20 criminal offense, except for an offense contained in the following
21 provisions of this title or a violation of an equivalent administrative
22 regulation or local law, ordinance, regulation, or resolution:

23 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
24 vehicle while under the influence of intoxicating liquor or a
25 controlled substance;

26 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

27 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
28 while under the influence of intoxicating liquor or narcotics or
29 habit-forming drugs or in a manner endangering the person of another;

30 (4) RCW 46.10.130 relating to the operation of snowmobiles;

31 (5) Chapter 46.12 RCW relating to certificates of ownership and
32 registration and markings indicating that a vehicle has been destroyed
33 or declared a total loss;

34 (6) RCW 46.16.010 relating to initial registration of motor
35 vehicles;

36 (7) RCW 46.16.011 relating to permitting unauthorized persons to
37 drive;

38 (8) RCW 46.16.160 relating to vehicle trip permits;

1 (9) RCW 46.16.381 (~~((6) or (9))~~) (2) relating to ((unauthorized use
2 or acquisition of)) knowingly providing false information in
3 conjunction with an application for a special placard or license plate
4 for disabled persons' parking;
5 (10) RCW 46.20.005 relating to driving without a valid driver's
6 license;
7 (11) RCW 46.20.091 relating to false statements regarding a
8 driver's license or instruction permit;
9 (12) RCW 46.20.336 relating to the unlawful possession and use of
10 a driver's license;
11 (13) RCW 46.20.342 relating to driving with a suspended or revoked
12 license or status;
13 (14) RCW 46.20.410 relating to the violation of restrictions of an
14 occupational driver's license;
15 (15) RCW 46.20.420 relating to the operation of a motor vehicle
16 with a suspended or revoked license;
17 (16) RCW 46.20.740 relating to operation of a motor vehicle without
18 an ignition interlock device in violation of a license notation that
19 the device is required;
20 (17) RCW 46.20.750 relating to assisting another person to start a
21 vehicle equipped with an ignition interlock device;
22 (18) RCW 46.25.170 relating to commercial driver's licenses;
23 (19) Chapter 46.29 RCW relating to financial responsibility;
24 (20) RCW 46.30.040 relating to providing false evidence of
25 financial responsibility;
26 (21) RCW 46.37.435 relating to wrongful installation of
27 sunscreening material;
28 (22) RCW 46.44.180 relating to operation of mobile home pilot
29 vehicles;
30 (23) RCW 46.48.175 relating to the transportation of dangerous
31 articles;
32 (24) RCW 46.52.010 relating to duty on striking an unattended car
33 or other property;
34 (25) RCW 46.52.020 relating to duty in case of injury to or death
35 of a person or damage to an attended vehicle;
36 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,
37 and appraisers;
38 (27) RCW 46.52.100 relating to driving under the influence of
39 liquor or drugs;

1 (28) RCW 46.52.130 relating to confidentiality of the driving
2 record to be furnished to an insurance company, an employer, and an
3 alcohol/drug assessment or treatment agency;

4 (29) RCW 46.55.020 relating to engaging in the activities of a
5 registered tow truck operator without a registration certificate;

6 (30) RCW 46.55.035 relating to prohibited practices by tow truck
7 operators;

8 (31) RCW 46.61.015 relating to obedience to police officers,
9 flagmen, or fire fighters;

10 (32) RCW 46.61.020 relating to refusal to give information to or
11 cooperate with an officer;

12 (33) RCW 46.61.022 relating to failure to stop and give
13 identification to an officer;

14 (34) RCW 46.61.024 relating to attempting to elude pursuing police
15 vehicles;

16 (35) RCW 46.61.500 relating to reckless driving;

17 (36) RCW 46.61.502 and 46.61.504 relating to persons under the
18 influence of intoxicating liquor or drugs;

19 (37) RCW 46.61.503 relating to a person under age twenty-one
20 driving a motor vehicle after consuming alcohol;

21 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

22 (39) RCW 46.61.522 relating to vehicular assault;

23 (40) RCW 46.61.5249 relating to first degree negligent driving;

24 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway
25 workers;

26 (42) RCW 46.61.530 relating to racing of vehicles on highways;

27 (43) RCW 46.61.685 relating to leaving children in an unattended
28 vehicle with the motor running;

29 (44) RCW 46.64.010 relating to unlawful cancellation of or attempt
30 to cancel a traffic citation;

31 (45) RCW 46.64.048 relating to attempting, aiding, abetting,
32 coercing, and committing crimes;

33 (46) Chapter 46.65 RCW relating to habitual traffic offenders;

34 (47) RCW 46.68.010 relating to false statements made to obtain a
35 refund;

36 (48) Chapter 46.70 RCW relating to unfair motor vehicle business
37 practices, except where that chapter provides for the assessment of
38 monetary penalties of a civil nature;

- 1 (49) Chapter 46.72 RCW relating to the transportation of passengers
2 in for hire vehicles;
- 3 (50) RCW 46.72A.060 relating to limousine carrier insurance;
- 4 (51) RCW 46.72A.070 relating to operation of a limousine without a
5 vehicle certificate;
- 6 (52) RCW 46.72A.080 relating to false advertising by a limousine
7 carrier;
- 8 (53) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 9 (54) Chapter 46.82 RCW relating to driver's training schools;
- 10 (55) RCW 46.87.260 relating to alteration or forgery of a cab card,
11 letter of authority, or other temporary authority issued under chapter
12 46.87 RCW;
- 13 (56) RCW 46.87.290 relating to operation of an unregistered or
14 unlicensed vehicle under chapter 46.87 RCW.

Passed the Senate March 12, 1998.

Passed the House March 11, 1998.

Approved by the Governor April 2, 1998.

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