

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5434

Chapter 67, Laws of 2001

57th Legislature
2001 Regular Session

DISABLED PARKING--IDENTIFICATION PERMITS

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 12, 2001
YEAS 48 NAYS 0

ROSA FRANKLIN
President of the Senate

Passed by the House April 5, 2001
YEAS 97 NAYS 0

FRANK CHOPP
**Speaker of the
House of Representatives**

CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved April 18, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5434** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

April 18, 2001 - 1:42 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5434

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Oke and Haugen; by request of Department of Licensing)

READ FIRST TIME 02/21/01.

1 AN ACT Relating to special identification cards for persons issued
2 disabled parking permits; and 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 1999 c 136 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) 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 name and date of birth of the person to whom the placard is issued, and
26 the placard's serial number. The special identification card shall be
27 issued no later than January 1, 2000, to all persons who are issued
28 parking placards, including those issued for temporary disabilities,
29 and special disabled parking license plates. ~~((By July 1, 2001, the
30 department shall incorporate a photograph of the holder of the disabled
31 parking permit into all special identification cards issued after that
32 date. The department, in conjunction with the governor's committee on
33 disability issues and employment, shall assess options for issuing a
34 photo identification card to each person who qualifies for a permanent
35 parking placard, a temporary parking placard, or a special disabled
36 parking license plate and report findings to the legislative
37 transportation committee no later than December 31, 2000.))~~ The
38 department shall design the placard to be displayed when the vehicle is
39 parked by suspending it from the rearview mirror, or in the absence of

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

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

37 (5) The special license plate shall be renewed in the same manner
38 and at the time required for the renewal of regular motor vehicle
39 license plates under this chapter. No special license plate may be

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (a) Community service for a nonprofit organization that serves the
38 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) The court may not suspend more than one-half of any fine
4 imposed under subsection (8), (9), (10), or (12) of this section.

Passed the Senate March 12, 2001.

Passed the House April 5, 2001.

Approved by the Governor April 18, 2001.

Filed in Office of Secretary of State April 18, 2001.