
HOUSE BILL 2466

State of Washington

58th Legislature

2004 Regular Session

By Representative Boldt

Read first time 01/14/2004. Referred to Committee on Transportation.

1 AN ACT Relating to suspension of fines involving parking by
2 disabled persons; 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 2003 c 371 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 or an advanced registered nurse practitioner licensed under
10 chapter 18.79 RCW:

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

1 expiratory respiratory volume, when measured by spirometry is less than
2 one liter per second or the arterial oxygen tension is less than sixty
3 mm/hg on room air at rest;

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

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

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

24 (3) Persons who qualify for special parking privileges are entitled
25 to receive from the department of licensing a removable windshield
26 placard bearing the international symbol of access and an individual
27 serial number, along with a special identification card bearing the
28 name and date of birth of the person to whom the placard is issued, and
29 the placard's serial number. The special identification card shall be
30 issued no later than January 1, 2000, to all persons who are issued
31 parking placards, including those issued for temporary disabilities,
32 and special disabled parking license plates. The department shall
33 design the placard to be displayed when the vehicle is parked by
34 suspending it from the rearview mirror, or in the absence of a rearview
35 mirror the card may be displayed on the dashboard of any vehicle used
36 to transport the disabled person. Instead of regular motor vehicle
37 license plates, disabled persons are entitled to receive special
38 license plates bearing the international symbol of access for one

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

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

33 (5) The special license plate shall be renewed in the same manner
34 and at the time required for the renewal of regular motor vehicle
35 license plates under this chapter. No special license plate may be
36 issued to a person who is temporarily disabled. A person who has a
37 condition expected to improve within six months may be issued a
38 temporary placard for a period not to exceed six months. If the

1 condition exists after six months a new temporary placard shall be
2 issued upon receipt of a new certification from the disabled person's
3 physician. The permanent parking placard and identification card of a
4 disabled person shall be renewed at least every five years, as required
5 by the director, by satisfactory proof of the right to continued use of
6 the privileges. In the event of the permit holder's death, the parking
7 placard and identification card must be immediately surrendered to the
8 department. The department shall match and purge its disabled permit
9 data base with available death record information at least every twelve
10 months.

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

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

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

23 (9) It is a parking infraction, with a monetary penalty of two
24 hundred fifty dollars for a person to make inaccessible the access
25 aisle located next to a space reserved for physically disabled persons.
26 The clerk of the court shall report all violations related to this
27 subsection to the department.

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

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

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

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

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

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

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

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

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

35 (a) Community restitution for a nonprofit organization that serves
36 the disabled community or persons having disabling diseases; or

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

1 (15) The court may not suspend more than one-half of any fine
2 imposed under subsection (8), (9), (10), or (12) of this section unless
3 the court finds exceptional circumstances exist involving a physically
4 disabled person and notes the finding at the time the fine is imposed.

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