

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6287

Chapter 357, Laws of 2006

59th Legislature
2006 Regular Session

SPECIAL PARKING PRIVILEGES--PERSONS WHO ARE LEGALLY BLIND

EFFECTIVE DATE: 6/7/06

Passed by the Senate March 6, 2006
YEAS 44 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House March 3, 2006
YEAS 98 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6287** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

Approved March 30, 2006.

FILED

March 30, 2006 - 3:37 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6287

AS AMENDED BY THE HOUSE

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senators Fairley, Thibaudeau and Shin)

READ FIRST TIME 01/30/06.

1 AN ACT Relating to special parking privileges for legally blind
2 persons; amending RCW 46.16.381; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature reaffirms its recognition
5 that legal blindness does not affect the physical ability to walk, nor
6 does it limit the ability to participate and contribute in employment
7 and all aspects of life as an equal and productive citizen.
8 Furthermore, for a legally blind individual with appropriate training
9 in travel skills, any limitations on that individual's mobility are not
10 resolved by the granting of special parking privileges. However, for
11 some individuals, including the newly blind and those in transition,
12 the availability of special parking privileges could prove to be an
13 appropriate benefit if those individuals choose to avail themselves of
14 the opportunity.

15 **Sec. 2.** RCW 46.16.381 and 2005 c 390 s 2 are each amended to read
16 as follows:

17 (1) The director shall grant special parking privileges to any
18 person who has a disability that limits or impairs the ability to walk

1 and meets one of the following criteria, as determined by a licensed
2 physician or an advanced registered nurse practitioner licensed under
3 chapter 18.79 RCW:

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

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

7 (c) (~~Is so severely disabled~~) Has such a severe disability, that
8 the person cannot walk without the use of or assistance from a brace,
9 cane, another person, prosthetic device, wheelchair, or other assistive
10 device;

11 (d) Uses portable oxygen;

12 (e) Is restricted by lung disease to such an extent that forced
13 expiratory respiratory volume, when measured by spirometry is less than
14 one liter per second or the arterial oxygen tension is less than sixty
15 mm/hg on room air at rest;

16 (f) Impairment by cardiovascular disease or cardiac condition to
17 the extent that the person's functional limitations are classified as
18 class III or IV under standards accepted by the American Heart
19 Association; (~~or~~)

20 (g) Has a disability resulting from an acute sensitivity to
21 automobile emissions which limits or impairs the ability to walk. The
22 personal physician or advanced registered nurse practitioner of the
23 applicant shall document that the disability is comparable in severity
24 to the others listed in this subsection; or

25 (h) Is legally blind and has limited mobility.

26 (2) The applications for parking permits for persons with
27 disabilities and parking permits for persons with temporary
28 disabilities are official state documents. Knowingly providing false
29 information in conjunction with the application is a gross misdemeanor
30 punishable under chapter 9A.20 RCW. The following statement must
31 appear on each application form immediately below the physician's or
32 advanced registered nurse practitioner's signature and immediately
33 below the applicant's signature: "A parking permit for a person with
34 disabilities may be issued only for a medical necessity that severely
35 affects mobility (RCW 46.16.381). Knowingly providing false
36 information on this application is a gross misdemeanor. The penalty is
37 up to one year in jail and a fine of up to \$5,000 or both."

1 (3) Persons who qualify for special parking privileges are entitled
2 to receive from the department of licensing a removable windshield
3 placard bearing the international symbol of access and an individual
4 serial number, along with a special identification card bearing the
5 name and date of birth of the person to whom the placard is issued, and
6 the placard's serial number. The special identification card shall be
7 issued (~~(no later than January 1, 2000,)~~) to all persons who are issued
8 parking placards, including those issued for temporary disabilities,
9 and special parking license plates for persons with disabilities. The
10 department shall design the placard to be displayed when the vehicle is
11 parked by suspending it from the rearview mirror, or in the absence of
12 a rearview mirror the card may be displayed on the dashboard of any
13 vehicle used to transport the person with disabilities. Instead of
14 regular motor vehicle license plates, persons with disabilities are
15 entitled to receive special license plates under this section or RCW
16 46.16.385 bearing the international symbol of access for one vehicle
17 registered in the name of the person with disabilities. Persons with
18 disabilities who are not issued the special license plates are entitled
19 to receive a second special placard upon submitting a written request
20 to the department. Persons who have been issued the parking privileges
21 and who are using a vehicle or are riding in a vehicle displaying the
22 placard or special license plates issued under this section or RCW
23 46.16.385 may park in places reserved for persons with physical
24 disabilities. The director shall adopt rules providing for the
25 issuance of special placards and license plates to public
26 transportation authorities, nursing homes licensed under chapter 18.51
27 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen
28 centers, private nonprofit agencies as defined in chapter 24.03 RCW,
29 and vehicles registered with the department as cabulances that
30 regularly transport persons with disabilities who have been determined
31 eligible for special parking privileges provided under this section.
32 The director may issue special license plates for a vehicle registered
33 in the name of the public transportation authority, nursing home,
34 boarding home, senior citizen center, private nonprofit agency, or
35 cabulance service if the vehicle is primarily used to transport persons
36 with disabilities described in this section. Public transportation
37 authorities, nursing homes, boarding homes, senior citizen centers,
38 private nonprofit agencies, and cabulance services are responsible for

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

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

12 (5) The special license plate shall be renewed in the same manner
13 and at the time required for the renewal of regular motor vehicle
14 license plates under this chapter. No special license plate may be
15 issued to a person who is temporarily disabled. A person who has a
16 condition expected to improve within six months may be issued a
17 temporary placard for a period not to exceed six months. If the
18 condition exists after six months a new temporary placard shall be
19 issued upon receipt of a new certification from the person's physician.
20 The permanent parking placard and identification card of a person with
21 disabilities shall be renewed at least every five years, as required by
22 the director, by satisfactory proof of the right to continued use of
23 the privileges. In the event of the permit holder's death, the parking
24 placard and identification card must be immediately surrendered to the
25 department. The department shall match and purge its data base of
26 parking permits issued to persons with disabilities with available
27 death record information at least every twelve months.

28 ~~(6) ((Each person with disabilities who has been issued a permanent~~
29 ~~parking permit on or before July 1, 1998, must renew the permit no~~
30 ~~later than July 1, 2003, subject to a schedule to be set by the~~
31 ~~department, or the permit will expire.~~

32 ~~(7))~~ Additional fees shall not be charged for the issuance of the
33 special placards or the identification cards. No additional fee may be
34 charged for the issuance of the special license plates except the
35 regular motor vehicle registration fee and any other fees and taxes
36 required to be paid upon registration of a motor vehicle.

37 ~~((8))~~ (7) Any unauthorized use of the special placard, special

1 license plate issued under this section or RCW 46.16.385, or
2 identification card is a traffic infraction with a monetary penalty of
3 two hundred fifty dollars.

4 ~~((+9+))~~ (8) It is a parking infraction, with a monetary penalty of
5 two hundred fifty dollars for a person to make inaccessible the access
6 aisle located next to a space reserved for persons with physical
7 disabilities. The clerk of the court shall report all violations
8 related to this subsection to the department.

9 ~~((+10+))~~ (9) It is a parking infraction, with a monetary penalty of
10 two hundred fifty dollars for any person to park a vehicle in a parking
11 place provided on private property without charge or on public property
12 reserved for persons with physical disabilities without a placard or
13 special license plate issued under this section or RCW 46.16.385. If
14 a person is charged with a violation, the person shall not be
15 determined to have committed an infraction if the person produces in
16 court or before the court appearance the placard or special license
17 plate issued under this section or RCW 46.16.385 required under this
18 section. A local jurisdiction providing nonmetered, on-street parking
19 places reserved for persons with physical disabilities may impose by
20 ordinance time restrictions of no less than four hours on the use of
21 these parking places. A local jurisdiction may impose by ordinance
22 time restrictions of no less than four hours on the use of nonreserved,
23 on-street parking spaces by vehicles displaying the special parking
24 placards or special license plates issued under this section or RCW
25 46.16.385. All time restrictions must be clearly posted.

26 ~~((+11+))~~ (10) The penalties imposed under subsections (8) and (9)
27 ~~((and +10+))~~ of this section shall be used by that local jurisdiction
28 exclusively for law enforcement. The court may also impose an
29 additional penalty sufficient to reimburse the local jurisdiction for
30 any costs it may have incurred in removal and storage of the improperly
31 parked vehicle.

32 ~~((+12+))~~ (11) Except as provided by subsection (2) of this section,
33 it is a traffic infraction with a monetary penalty of two hundred fifty
34 dollars for any person willfully to obtain a special license plate
35 issued under this section or RCW 46.16.385, placard, or identification
36 card in a manner other than that established under this section.

37 ~~((+13+))~~ (12)(a) A law enforcement agency authorized to enforce
38 parking laws may appoint volunteers, with a limited commission, to

1 issue notices of infractions for violations of this section or RCW
2 46.61.581. Volunteers must be at least twenty-one years of age. The
3 law enforcement agency appointing volunteers may establish any other
4 qualifications the agency deems desirable.

5 (b) An agency appointing volunteers under this section must provide
6 training to the volunteers before authorizing them to issue notices of
7 infractions.

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

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

16 ~~((+14+))~~ (13) For second or subsequent violations of this section,
17 in addition to a monetary fine, the violator must complete a minimum of
18 forty hours of:

19 (a) Community restitution for a nonprofit organization that serves
20 persons having disabilities or disabling diseases; or

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

23 ~~((+15+))~~ (14) The court may not suspend more than one-half of any
24 fine imposed under subsection ~~((+8+))~~ (7), ~~((+9+))~~ (8), ~~((+10+))~~ (9),
25 or ~~((+12+))~~ (11) of this section.

26 (15) For the purposes of this section, "legally blind" means a
27 person who: (a) Has no vision or whose vision with corrective lenses
28 is so limited that the individual requires alternative methods or
29 skills to do efficiently those things that are ordinarily done with
30 sight by individuals with normal vision; or (b) has an eye condition of
31 a progressive nature which may lead to blindness.

Passed by the Senate March 6, 2006.

Passed by the House March 3, 2006.

Approved by the Governor March 30, 2006.

Filed in Office of Secretary of State March 30, 2006.