

ESSB 5902 - H COMM AMD

By Committee on Human Services

ADOPTED AS AMENDED 03/05/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that when people who
4 have disabilities are welcomed and included as members of our
5 communities and provided with equal access to the opportunities
6 available to others, their participation enriches those communities,
7 enhances the strength of those communities' diversity, and contributes
8 toward the economic vitality of those communities. The legislature
9 further finds that more than nine hundred thousand Washington state
10 residents with disabilities continue to face barriers to full
11 participation that could be easily eliminated.

12 NEW SECTION. **Sec. 2.** (1) The accessible communities account is
13 created in the custody of the state treasurer. Two hundred dollars
14 from each full penalty imposed under RCW 46.16.381 (7), (8), and (9)
15 must be deposited into the account. When a reduced penalty is imposed
16 under RCW 46.16.381 (7), (8) and (9), the amount deposited in the
17 accessible communities account shall be reduced proportionally.

18 (2) The account is subject to the allotment procedures under
19 chapter 43.88 RCW, but an appropriation is not required for
20 expenditures. Only the commissioner may authorize expenditures from
21 the account.

22 (3) Expenditures from the account may be used for promoting greater
23 awareness of disability issues and improved access for and inclusion
24 and acceptance of persons with disabilities in communities in the state
25 of Washington, including:

26 (a) Reimbursing travel, per diem, and reasonable accommodation for
27 county accessible community advisory committee meetings and committee
28 sponsored activities including, but not limited to, supporting the

1 involvement of people with disabilities and disability organization in
2 emergency planning and emergency preparedness activities;

3 (b) Establishing and maintaining an accessible communities web
4 site;

5 (c) Providing training or technical assistance for county
6 accessible community advisory committees;

7 (d) A grant program for funding proposals developed and submitted
8 by county accessible community advisory committees to promote greater
9 awareness of disability issues and acceptance, inclusion, and access
10 for persons with disabilities within the community;

11 (e) Reimbursing the state agency that provides administrative
12 support to the governor's committee on disability issues and employment
13 for costs associated with implementing this act; and

14 (f) Programming changes to the judicial information system
15 accounting module required for disbursement of funds to this account.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 50.40 RCW
17 to read as follows:

18 (1) To the extent allowed by funds available from the accessible
19 communities account created in section 2 of this act, the governor's
20 committee on disability issues and employment shall:

21 (a) Determine eligibility of accessible community advisory
22 committees for reimbursement or for grant funding according to section
23 4 of this act; and

24 (b) Solicit proposals from active accessible community advisory
25 committees for projects to improve disability awareness and access for
26 persons with disabilities, and shall select projects for funding from
27 moneys available in the accessible communities account.

28 (2) The commissioner shall adopt rules to administer this section.

29 (3) To the extent allowed by funds available from the accessible
30 communities account created in section 2 of this act, the governor's
31 committee on disability issues and employment shall establish an
32 accessible communities web site to provide the following information:
33 Guidance, technical assistance, reference materials, and resource
34 identification for local governments, accessible community advisory
35 committees, and public accommodations; examples of best practices for
36 local initiatives and activities to promote greater awareness of
37 disability issues and access for persons with disabilities within the

1 community; and a searchable listing of local public accommodations that
2 have taken steps to be more disability friendly, including information
3 on the specific access features provided.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.01 RCW
5 to read as follows:

6 (1) A county has the option to expand the scope of an advisory
7 committee established and maintained under RCW 29A.46.260 to that of an
8 accessible community advisory committee, or to create an accessible
9 community advisory committee.

10 (2) A county that has an active accessible community advisory
11 committee may be reimbursed within available funds from the accessible
12 communities account created in section 2 of this act for travel, per
13 diem, and reasonable accommodation expenses for the participation of
14 that committee's members in committee meetings and sponsored
15 activities.

16 (3) A county establishes that it has an active accessible community
17 advisory committee by submitting biennial assurances to the governor's
18 committee on disability issues and employment that:

19 (a) The decision to establish an accessible community advisory
20 committee was made by the county legislative authority, or by agents or
21 officers acting under that authority.

22 (b) If an accessible community advisory committee is established by
23 expanding the advisory committee established and maintained under RCW
24 29A.46.260, the county auditor supports that expansion.

25 (c) Committee members include persons with a diverse range of
26 disabilities who are knowledgeable in identifying and eliminating
27 attitudinal, programmatic, communication, and physical barriers
28 encountered by persons with disabilities.

29 (d) The committee is actively involved in the following activities:
30 Advising on addressing the needs of persons with disabilities in
31 emergency plans; advising the county and other local governments within
32 the county on access to programs services and activities, new
33 construction or renovation projects, sidewalks, other pedestrian routes
34 of travel, and disability parking enforcement; and developing local
35 initiatives and activities to promote greater awareness of disability
36 issues, and acceptance, involvement, and access for persons with
37 disabilities within the community.

1 (4) Counties may form joint accessible community advisory
2 committees, as long as no more than one of the participating counties
3 has a population greater than seventy thousand.

4 **Sec. 5.** RCW 29A.46.260 and 2006 c 207 s 7 are each amended to read
5 as follows:

6 (1) The legislature finds that the elimination of polling places
7 resulting from the transition to vote by mail creates barriers that
8 restrict the ability of many voters with disabilities from achieving
9 the independence and privacy in voting provided by the accessible
10 voting devices required under the help America vote act. Counties
11 adopting a vote by mail system must take appropriate steps to mitigate
12 these impacts and to address the obligation to provide voters with
13 disabilities an equal opportunity to vote independently and privately,
14 to the extent that this can be achieved without incurring undue
15 administrative and financial burden.

16 (2) Each county shall establish and maintain an advisory committee
17 that includes persons with diverse disabilities and persons with
18 expertise in providing accommodations for persons with disabilities.
19 The committee shall assist election officials in developing a plan to
20 identify and implement changes to improve the accessibility of
21 elections for voters with disabilities. The plan shall include
22 recommendations for the following:

23 (a) The number of polling places that will be maintained in order
24 to ensure that people with disabilities have reasonable access to
25 accessible voting devices, and a written explanation for how the
26 determination was made;

27 (b) The locations of polling places, drop-off facilities, voting
28 centers, and other election-related functions necessary to maximize
29 accessibility to persons with disabilities;

30 (c) Outreach to voters with disabilities on the availability of
31 disability accommodation, including in-person disability access voting;

32 (d) Transportation of voting devices to locations convenient for
33 voters with disabilities in order to ensure reasonable access for
34 voters with disabilities; and

35 (e) Implementation of the provisions of the help America vote act
36 related to persons with disabilities.

1 Counties must update the plan at least annually. The election
2 review staff of the secretary of state shall review and evaluate the
3 plan in conformance with the review procedure identified in RCW
4 29A.04.570.

5 (3) Counties may form a joint advisory committee to develop the
6 plan identified in subsection (2) of this section if (~~the total~~
7 ~~population of the joining counties does not exceed thirty thousand, and~~
8 ~~the counties are geographically adjacent~~) no more than one of the
9 participating counties has a population greater than seventy thousand.

10 **Sec. 6.** RCW 46.16.381 and 2007 c 262 s 1 and 2007 c 44 s 1 are
11 each reenacted and amended to read as follows:

12 (1) The director shall grant special parking privileges to any
13 person who has a disability that limits or impairs the ability to walk
14 or involves acute sensitivity to light and meets one of the following
15 criteria, as determined by a licensed physician, an advanced registered
16 nurse practitioner licensed under chapter 18.79 RCW, or a physician
17 assistant licensed under chapter 18.71A or 18.57A RCW:

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

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

21 (c) Has such a severe disability, that the person cannot walk
22 without the use of or assistance from a brace, cane, another person,
23 prosthetic device, wheelchair, or other assistive device;

24 (d) Uses portable oxygen;

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

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

33 (g) Has a disability resulting from an acute sensitivity to
34 automobile emissions which limits or impairs the ability to walk. The
35 personal physician, advanced registered nurse practitioner, or
36 physician assistant of the applicant shall document that the disability
37 is comparable in severity to the others listed in this subsection;

1 (h) Is legally blind and has limited mobility; or

2 (i) Is restricted by a form of porphyria to the extent that the
3 applicant would significantly benefit from a decrease in exposure to
4 light.

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

18 (3) Persons who qualify for special parking privileges are entitled
19 to receive from the department of licensing a removable windshield
20 placard bearing the international symbol of access and an individual
21 serial number, along with a special identification card bearing the
22 name and date of birth of the person to whom the placard is issued, and
23 the placard's serial number. The special identification card shall be
24 issued to all persons who are issued parking placards, including those
25 issued for temporary disabilities, and special parking license plates
26 for persons with disabilities. The department shall design the placard
27 to be displayed when the vehicle is parked by suspending it from the
28 rearview mirror, or in the absence of a rearview mirror the card may be
29 displayed on the dashboard of any vehicle used to transport the person
30 with disabilities. Instead of regular motor vehicle license plates,
31 persons with disabilities are entitled to receive special license
32 plates under this section or RCW 46.16.385 bearing the international
33 symbol of access for one vehicle registered in the name of the person
34 with disabilities. Persons with disabilities who are not issued the
35 special license plates are entitled to receive a second special placard
36 upon submitting a written request to the department. Persons who have
37 been issued the parking privileges and who are using a vehicle or are
38 riding in a vehicle displaying the placard or special license plates

1 issued under this section or RCW 46.16.385 may park in places reserved
2 for persons with physical disabilities. The director shall adopt rules
3 providing for the issuance of special placards and license plates to
4 public transportation authorities, nursing homes licensed under chapter
5 18.51 RCW, boarding homes licensed under chapter 18.20 RCW, senior
6 citizen centers, private nonprofit agencies as defined in chapter 24.03
7 RCW, and vehicles registered with the department as cabulances that
8 regularly transport persons with disabilities who have been determined
9 eligible for special parking privileges provided under this section.
10 The director may issue special license plates for a vehicle registered
11 in the name of the public transportation authority, nursing home,
12 boarding home, senior citizen center, private nonprofit agency, or
13 cabulance service if the vehicle is primarily used to transport persons
14 with disabilities described in this section. Public transportation
15 authorities, nursing homes, boarding homes, senior citizen centers,
16 private nonprofit agencies, and cabulance services are responsible for
17 insuring that the special placards and license plates are not used
18 improperly and are responsible for all fines and penalties for improper
19 use.

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

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

1 the privileges. In the event of the permit holder's death, the parking
2 placard and identification card must be immediately surrendered to the
3 department. The department shall match and purge its database of
4 parking permits issued to persons with disabilities with available
5 death record information at least every twelve months.

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

11 (7) Any unauthorized use of the special placard, special license
12 plate issued under this section or RCW 46.16.385, or identification
13 card is a (~~traffic~~) parking infraction with a monetary penalty of
14 (~~two~~) four hundred fifty dollars.

15 (8) It is a parking infraction, with a monetary penalty of (~~two~~)
16 four hundred fifty dollars for a person to park in, block, or otherwise
17 make inaccessible the access aisle located next to a space reserved for
18 persons with physical disabilities. The clerk of the court shall
19 report all violations related to this subsection to the department.

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

1 (10) (~~The penalties~~) Two hundred dollars from each full penalty
2 imposed under subsections (7), (8), and (9) of this section shall be
3 deposited in the accessible communities account created in section 2 of
4 this act. When a reduced penalty is imposed under subsections (7),
5 (8), and (9) of this section, the amount deposited in the accessible
6 communities account shall be reduced proportionally. The remaining
7 penalty amounts shall be used by that local jurisdiction exclusively
8 for law enforcement. The court may also impose an additional penalty
9 sufficient to reimburse the local jurisdiction for any costs it may
10 have incurred in removal and storage of the improperly parked vehicle.

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

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

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

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

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

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

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

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

3 (14) The court may not suspend more than one-half of any fine
4 imposed under subsection (7), (8), (9), or (11) of this section.

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

11 **Sec. 7.** RCW 43.79A.040 and 2009 c 87 s 4 are each amended to read
12 as follows:

13 (1) Money in the treasurer's trust fund may be deposited, invested,
14 and reinvested by the state treasurer in accordance with RCW 43.84.080
15 in the same manner and to the same extent as if the money were in the
16 state treasury.

17 (2) All income received from investment of the treasurer's trust
18 fund shall be set aside in an account in the treasury trust fund to be
19 known as the investment income account.

20 (3) The investment income account may be utilized for the payment
21 of purchased banking services on behalf of treasurer's trust funds
22 including, but not limited to, depository, safekeeping, and
23 disbursement functions for the state treasurer or affected state
24 agencies. The investment income account is subject in all respects to
25 chapter 43.88 RCW, but no appropriation is required for payments to
26 financial institutions. Payments shall occur prior to distribution of
27 earnings set forth in subsection (4) of this section.

28 (4)(a) Monthly, the state treasurer shall distribute the earnings
29 credited to the investment income account to the state general fund
30 except under (b) and (c) of this subsection.

31 (b) The following accounts and funds shall receive their
32 proportionate share of earnings based upon each account's or fund's
33 average daily balance for the period: The Washington promise
34 scholarship account, the college savings program account, the
35 Washington advanced college tuition payment program account, the
36 accessible communities account, the agricultural local fund, the
37 American Indian scholarship endowment fund, the foster care scholarship

1 endowment fund, the foster care endowed scholarship trust fund, the
2 students with dependents grant account, the basic health plan self-
3 insurance reserve account, the contract harvesting revolving account,
4 the Washington state combined fund drive account, the commemorative
5 works account, the Washington international exchange scholarship
6 endowment fund, the toll collection account, the developmental
7 disabilities endowment trust fund, the energy account, the fair fund,
8 the family leave insurance account, the food animal veterinarianian
9 conditional scholarship account, the fruit and vegetable inspection
10 account, the future teachers conditional scholarship account, the game
11 farm alternative account, the GET ready for math and science
12 scholarship account, the grain inspection revolving fund, the juvenile
13 accountability incentive account, the law enforcement officers' and
14 firefighters' plan 2 expense fund, the local tourism promotion account,
15 the pilotage account, the produce railcar pool account, the regional
16 transportation investment district account, the rural rehabilitation
17 account, the stadium and exhibition center account, the youth athletic
18 facility account, the self-insurance revolving fund, the sulfur dioxide
19 abatement account, the children's trust fund, the Washington horse
20 racing commission Washington bred owners' bonus fund and breeder awards
21 account, the Washington horse racing commission class C purse fund
22 account, the individual development account program account, the
23 Washington horse racing commission operating account (earnings from the
24 Washington horse racing commission operating account must be credited
25 to the Washington horse racing commission class C purse fund account),
26 the life sciences discovery fund, the Washington state heritage center
27 account, the reduced cigarette ignition propensity account, and the
28 reading achievement account. However, the earnings to be distributed
29 shall first be reduced by the allocation to the state treasurer's
30 service fund pursuant to RCW 43.08.190.

31 (c) The following accounts and funds shall receive eighty percent
32 of their proportionate share of earnings based upon each account's or
33 fund's average daily balance for the period: The advanced right-of-way
34 revolving fund, the advanced environmental mitigation revolving
35 account, the city and county advance right-of-way revolving fund, the
36 federal narcotics asset forfeitures account, the high occupancy vehicle
37 account, the local rail service assistance account, and the
38 miscellaneous transportation programs account.

1 (5) In conformance with Article II, section 37 of the state
2 Constitution, no trust accounts or funds shall be allocated earnings
3 without the specific affirmative directive of this section."

4 Correct the title.

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