

SHB 1946 - S COMM AMD
By Committee on Transportation

NOT CONSIDERED

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

3 "Sec. 1. RCW 46.19.030 and 2010 c 161 s 704 are each amended to
4 read as follows:

5 (1) The department shall design special license plates for persons
6 with disabilities, parking placards, and year tabs displaying the
7 international symbol of access.

8 (2) Special license plates for persons with disabilities must be
9 displayed on the motor vehicle as standard issue license plates as
10 described in RCW 46.16A.200.

11 (3) Parking placards must include both a serial number and the
12 expiration date on the face of the placard. The expiration date and
13 serial number must be of sufficient size as to be easily visible from
14 a distance of ten feet from where the placard is displayed.

15 (4) Parking placards must be displayed when the motor vehicle is
16 parked by suspending it from the rearview mirror. In the absence of a
17 rearview mirror, the parking placard must be displayed on the
18 dashboard. Parking placards must be displayed in a manner that allows
19 the entire placard to be viewed through the vehicle windshield.

20 ((+4)) (5) Special year tabs for persons with disabilities must be
21 displayed on license plates as defined by the department.

22 ((+5)) (6) Persons who have been issued special license plates for
23 persons with disabilities, parking placards, or special license plates
24 with a special year tab for persons with disabilities may park in
25 places reserved for persons with physical disabilities.

26 Sec. 2. RCW 46.19.050 and 2011 c 171 s 74 are each amended to read
27 as follows:

28 (1) **False information.** Knowingly providing false information in

1 conjunction with the application for special parking privileges for
2 persons with disabilities is a gross misdemeanor punishable under
3 chapter 9A.20 RCW.

4 (2) **Unauthorized use.** Any unauthorized use of (~~(the special)~~) a
5 parking placard, special license (~~(plate)~~) plate, or identification
6 card issued under this chapter is a parking infraction with a monetary
7 penalty of two hundred fifty dollars. In addition to any penalty or
8 fine imposed under this subsection, two hundred dollars must be
9 assessed. For the purposes of this subsection, "unauthorized use"
10 includes: (a) The use of a parking placard or special license plate
11 that is expired, faked, forged, or counterfeited; (b) the use of the
12 placard or special license plate of another holder if the initial
13 holder of the placard or license plate is no longer eligible to use or
14 receive it; and (c) the use of the special license plate or placard
15 issued to another holder, even if permitted to do so by the holder,
16 unless transporting the person to whom the special license plate or
17 placard was issued or when using a placard or special license plate
18 issued under RCW 46.19.020.

19 (3) **Inaccessible access.** It is a parking infraction, with a
20 monetary penalty of two hundred fifty dollars, for a person to park in,
21 block, or otherwise make inaccessible the access aisle located next to
22 a space reserved for persons with physical disabilities. In addition
23 to any penalty or fine imposed under this subsection, two hundred
24 dollars must be assessed. The clerk of the court shall report all
25 violations related to this subsection to the department.

26 (4) **Parking without placard/plate.** It is a parking infraction,
27 with a monetary penalty of two hundred fifty dollars, for any person to
28 park a vehicle in a parking place provided on private property without
29 charge or on public property reserved for persons with physical
30 disabilities without a placard or special license plate issued under
31 this chapter. In addition to any penalty or fine imposed under this
32 subsection, two hundred dollars must be assessed. If a person is
33 charged with a violation, the person will not be determined to have
34 committed an infraction if the person produces in court or before the
35 court appearance the placard or special license plate issued under this
36 chapter as required under this chapter. A local jurisdiction providing
37 nonmetered, on-street parking places reserved for persons with physical

1 disabilities may impose by ordinance time restrictions of no less than
2 four hours on the use of these parking places.

3 (5) **Improper display of placard/plate.** It is a parking infraction,
4 with a monetary penalty of two hundred fifty dollars, to fail to fully
5 display a placard or special license plate issued under this chapter
6 while parked in a parking place on private property without charge or
7 on public property reserved for persons with physical disabilities. In
8 addition to any penalty or fine imposed under this subsection, two
9 hundred dollars must be assessed, for a total of four hundred fifty
10 dollars. For the purposes of this subsection, "fully display" means
11 hanging or placing the placard or special license plate so that the
12 full face of the placard or license plate is visible, including the
13 serial number and expiration date of the license plate or placard. If
14 a person is charged with a violation of this subsection, the person
15 will not be determined to have committed an infraction if the person
16 produces in court or before the court appearance an identification card
17 validly issued to that person under RCW 46.19.010.

18 (6) **Time restrictions.** A local jurisdiction may impose by
19 ordinance time restrictions of no less than four hours on the use of
20 nonreserved, on-street parking spaces by vehicles displaying the
21 special parking placards or special license plates issued under this
22 chapter. All time restrictions must be clearly posted.

23 ((+6)) (7) **Allocation and use of funds - reimbursement.** (a) The
24 assessment imposed under subsections (2), (3), ((and)) (4), and (5) of
25 this section must be allocated as follows:

26 (i) One hundred dollars must be deposited in the accessible
27 communities account created in RCW 50.40.071; and

28 (ii) One hundred dollars must be deposited in the multimodal
29 transportation account under RCW 47.66.070 for the sole purpose of
30 supplementing a grant program for special needs transportation provided
31 by transit agencies and nonprofit providers of transportation that is
32 administered by the department of transportation.

33 (b) Any reduction in any penalty or fine and assessment imposed
34 under subsections (2), (3), ((and)) (4), and (5) of this section must
35 be applied proportionally between the penalty or fine and the
36 assessment. When a reduced penalty is imposed under subsection (2),
37 (3), ((or)) (4), or (5) of this section, the amount deposited in the

1 accounts identified in (a) of this subsection must be reduced equally
2 and proportionally.

3 (c) The penalty or fine amounts must be used by that local
4 jurisdiction exclusively for law enforcement. The court may also
5 impose an additional penalty sufficient to reimburse the local
6 jurisdiction for any costs that it may have incurred in the removal and
7 storage of the improperly parked vehicle.

8 ~~((+7))~~ (8) Illegal obtainment. Except as provided in subsection
9 (1) of this section, it is a traffic infraction with a monetary penalty
10 of two hundred fifty dollars for any person willfully to obtain a
11 special license plate, placard, or identification card issued under
12 this chapter in a manner other than that established under this
13 chapter. It is a violation of this subsection to make a
14 misrepresentation to a medical professional in order to obtain a
15 special license plate or placard, or to steal the special license plate
16 or placard of another holder.

17 ~~((+8))~~ (9) Volunteer appointment. A law enforcement agency
18 authorized to enforce parking laws may appoint volunteers, with a
19 limited commission, to issue notices of infractions for violations of
20 ~~((RCW 46.19.010))~~ this section and RCW 46.19.030 or 46.61.581.
21 Volunteers must be at least twenty-one years of age. The law
22 enforcement agency appointing volunteers may establish any other
23 qualifications that the agency deems desirable.

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

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

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

35 ~~((+9))~~ (10) Community restitution. For second or subsequent
36 violations of this section, in addition to a monetary penalty, the
37 violator must complete a minimum of forty hours of:

1 (a) Community restitution for a nonprofit organization that serves
2 persons with disabilities or disabling diseases; or

3 (b) Any other community restitution that may sensitize the violator
4 to the needs and obstacles faced by persons with disabilities.

5 (~~(10)~~) (11) **Fine suspension.** The court may not suspend more than
6 one-half of any fine imposed under subsection (2), (3), (4), (5), or
7 (~~(7)~~) (8) of this section.

8 **Sec. 3.** RCW 46.19.020 and 2012 c 10 s 42 are each amended to read
9 as follows:

10 (1) The following organizations may apply for special parking
11 privileges:

12 (a) Public transportation authorities;

13 (b) Nursing homes licensed under chapter 18.51 RCW;

14 (c) Assisted living facilities licensed under chapter 18.20 RCW;

15 (d) Senior citizen centers;

16 (e) Accessible van rental companies registered under RCW 46.87.023;

17 (f) Private nonprofit corporations, as defined in RCW 24.03.005;

18 and

19 (~~(f)~~) (g) Cabulance companies that regularly transport persons
20 with disabilities who have been determined eligible for special parking
21 privileges under this section and who are registered with the
22 department under chapter 46.72 RCW.

23 (2) An organization that qualifies for special parking privileges
24 may receive, upon application, parking license plates or placards, or
25 both, for persons with disabilities as defined by the department.

26 (3) Public transportation authorities, nursing homes, assisted
27 living facilities, senior citizen centers, accessible van rental
28 companies, private nonprofit corporations, and cabulance services are
29 responsible for ensuring that the special placards and license plates
30 are not used improperly and are responsible for all fines and penalties
31 for improper use.

32 (4) The department shall adopt rules to determine organization
33 eligibility.

34 NEW SECTION. **Sec. 4.** (1) Within existing resources, the
35 department of licensing must convene a work group to examine the use of
36 parking placards and special license plates for persons with

1 disabilities and develop a strategic plan for ending any abuse. In
2 developing this plan, the department must work with the department of
3 health, disabled citizen advocacy groups, and representatives from
4 local government.

5 (2) The work group must be composed of no more than two
6 representatives from each of the entities listed in subsection (1) of
7 this section. The work group may, when appropriate, consult with any
8 other public or private entity in order to complete the strategic plan.

9 (3) The strategic plan must include:

10 (a) Oversight measures to ensure that parking placards and special
11 license plates for persons with disabilities are being properly issued,
12 including: (i) The entity responsible for coordinating a randomized
13 review of applications for special parking privileges; (ii) a volunteer
14 panel of medical professionals to conduct such reviews; (iii) a means
15 to protect the anonymity of both the medical professional conducting a
16 review and the medical professional under review; (iv) a means to
17 protect the privacy of applicants by removing any personally
18 identifiable information; and (v) possible sanctions against a medical
19 professional for repeated improper issuances of parking placards or
20 special license plates for persons with disabilities, including those
21 sanctions listed in chapter 18.130 RCW; and

22 (b) The creation of a publicly accessible system in which the
23 validity of parking placards and special license plates for persons
24 with disabilities may be verified. This system must not allow the
25 public to access any personally identifiable information or protected
26 health information of a person who has been issued a parking placard or
27 special license plate.

28 (4) The work group must convene August 1, 2013, and terminate
29 January 31, 2014.

30 (5) By January 31, 2014, the work group must deliver to the
31 legislature and the appropriate legislative committees the strategic
32 plan required under this section, together with its findings,
33 recommendations, and draft legislation in order to implement the
34 strategic plan."

NOT CONSIDERED

1 On page 1, line 2 of the title, after "disabilities;" strike the
2 remainder of the title and insert "amending RCW 46.19.030, 46.19.050,
3 and 46.19.020; creating a new section; and prescribing penalties."

EFFECT: Moves the use of the special license plate or placard when not transporting the person to whom the placard or license plate was issued from the section regarding illegal obtainment of a placard or plate, which is a traffic infraction, to the section regarding unauthorized use, which is a parking infraction.

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