

WSR 24-04-104

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed February 7, 2024, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-23-176.

Title of Rule and Other Identifying Information: WAC 308-96B-010 Definitions—Special parking privileges for persons with disabilities, and 308-96B-020 General provisions.

Hearing Location(s): On March 18, 2024, at 2:00 p.m. Join Zoom meeting <https://dol-wa.zoom.us/j/89543157079?pwd=W0LUUJ9crqrLj2c7UjXiG1wecwSFPv.1>, Meeting ID 895 4315 7079, Passcode 034939; or One-tap mobile +12532158782,,89543157079#,,,,*034939# US (Tacoma), +12532050468,,89543157079#,,,,*034939# US, dial by your location +1 253 215 8782 US (Tacoma), Meeting ID 895 4315 7079, Passcode 034939. Find your local number <https://dol-wa.zoom.us/j/89543157079?pwd=W0LUUJ9crqrLj2c7UjXiG1wecwSFPv.1>. If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: March 19, 2024.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by March 18, 2024.

Assistance for Persons with Disabilities: Contact Kelsey Stone, phone 360-902-0131, email rulescoordinator@dol.wa.gov, by March 8, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarifying that applications for disabled parking privileges must reside in Washington state to qualify. Additionally, the department of licensing (DOL) intends to define the term "resident" in WAC 308-96B-010 to further clarify the proposed requirements.

Reasons Supporting Proposal: DOL often receives requests for disabled parking passes from applicants permanently residing outside of Washington state, which creates an increased wait time for Washington state applicants, as well as challenges for law enforcement outside of Washington.

Statutory Authority for Adoption: RCW 46.01.110 Rule-making authority, 46.19.020 Eligible organizations—Rules, 46.19.040 Renewal—Rules, and 46.19.050 Restrictions—Prohibitions—Violations—Penalties.

Statute Being Implemented: WAC 308-96B-010 Definitions—Special parking privileges for persons with disabilities, and 308-96B-020 General provisions.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DOL, governmental.

Name of Agency Personnel Responsible for Drafting: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-0131; Implementation and Enforcement: Sina Talalemotu, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-4004.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These changes are nonsubstantive and do not have fiscal impacts. They

are clarifying the residency requirement to issue a parking privilege to persons with disabilities which is a free service to DOL customers.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

February 7, 2024

Ellis Starrett

Rules and Policy Manager

OTS-5174.1

AMENDATORY SECTION (Amending WSR 18-24-057, filed 11/29/18, effective 12/30/18)

WAC 308-96B-010 Definitions—Special parking privileges for persons with disabilities. For the purposes of determining eligibility under chapter 46.19 RCW, for special parking privileges for persons with disabilities, the following definitions apply:

(1) "Identification card" means the identification card bearing the name and date of birth of the person to whom the placard/plate/tab is issued.

(2) "Health care practitioner" means that as defined in RCW 46.19.010(2). Health care practitioner does not include persons licensed in the professions of dentistry and optometry.

(3) "Permanent" means a health care practitioner has certified the qualifying disability condition is expected to last at least five years.

(4) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s), license tab, and identification card.

(5) "Privilege" means the right to utilize the benefits associated with the special parking privileges for persons with disabilities.

(6) "Resident" means an individual who manifests an intent to live or be located in this state on more than a temporary or transient basis, or an individual or dependent of an Armed Forces member who is currently stationed in the state of Washington.

(7) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard/plate, or the subscription of any person.

AMENDATORY SECTION (Amending WSR 18-24-057, filed 11/29/18, effective 12/30/18)

WAC 308-96B-020 General provisions. (1) **How to qualify for special parking privileges for persons with disabilities?** A health care practitioner must certify, on a department approved application form and on a written authorization, that an individual has a qualifying disability in accordance with those listed in RCW 46.19.010(1).

(2) **Who may apply?** To qualify for special parking privileges for persons with disabilities, you must be a Washington state resident or be stationed with the Armed Forces in Washington state.

(3) **How to apply for special parking privileges for persons with disabilities?** The individual must complete and sign the appropriate portion of the application. Once the health care practitioner portion of the application is completed, and the health care practitioner has provided a written authorization, submit these documents to a vehicle licensing office or the department. The application and written authorization are required on all applications, originals and renewals.

~~((3))~~ (4) **Can the materials be submitted electronically?** No. The health care practitioner may send you the signed application and written authorization by electronic means of their choosing. You must remit the application and written authorization in hard copy to a vehicle licensing office or the department.

~~((4))~~ (5) **Can my health care practitioner combine the application and written authorization?** Yes. The application may be printed on the health care practitioner's letterhead or prescription paper and be submitted as a complete application.

~~((5))~~ (6) **Who may sign the application for an individual who is unable to sign or is a minor?** An authorized representative of the individual applying for the parking privilege may sign the application. The application must be accompanied by a copy of one of the following:

- (a) A power of attorney;
- (b) A Washington state court order or certification from the clerk of court confirming the court's action; or
- (c) A declaration under penalty of perjury explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

~~((6))~~ (7) **Why is the identification card issued?** The identification card is issued to identify the individual with the parking privilege and to ensure that only those who qualify use the parking privilege. The identification card must be available for display to law enforcement or parking enforcement officials.

If you have just applied for the parking privilege and have not yet received the identification card, show the receipt you received at the time of application when requested.

~~((7))~~ (8) **How long is the special parking privilege for persons with disabilities valid?**

(a) Temporary privileges are valid for up to ~~((twelve))~~ 12 months from the date of authorization by the health care practitioner. The privilege is valid until the last day of the month of expiration.

(b) Permanent privileges are issued for five years from the date of authorization by the health care practitioner. The privilege is valid until the last day of the month of expiration. The expiration date can be located on the identification card or as marked on the placard.

~~((8))~~ (9) **How do I renew or extend my parking privilege?**

(a) For a temporary privilege, if your condition continues beyond the expiration date, you must apply for a new privilege as described in WAC 308-96B-010(2).

(b) For a permanent privilege, the department will mail you a notice before your privilege expires.

You must apply for a new privilege as described in WAC 308-96B-010(2).

~~((9))~~ (10) **What if the parking placard or identification card is lost, mutilated, destroyed, or stolen?** To replace your parking placard or identification card, complete and sign an authorized department of licensing form indicating such. A new parking placard or identification card will be issued, indicating the original expiration date. The placard or identification card being replaced are no longer valid and should be destroyed if located.

~~((10))~~ (11) **What should I do with my placard and identification card when they are no longer valid?** They should be destroyed.