
SUBSTITUTE HOUSE BILL 1946

State of Washington

63rd Legislature

2013 Regular Session

By House Transportation (originally sponsored by Representatives Hunt and Reykdal)

READ FIRST TIME 03/01/13.

1 AN ACT Relating to special parking privileges for persons with
2 disabilities; amending RCW 46.19.030, 46.19.050, and 46.19.020;
3 creating a new section; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.19.030 and 2010 c 161 s 704 are each amended to
6 read as follows:

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

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

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

17 (4) Parking placards must be displayed when the motor vehicle is
18 parked by suspending it from the rearview mirror. In the absence of a

1 rearview mirror, the parking placard must be displayed on the
2 dashboard. Parking placards must be displayed in a manner that allows
3 the entire placard to be viewed through the vehicle windshield.

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

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

10 **Sec. 2.** RCW 46.19.050 and 2011 c 171 s 74 are each amended to read
11 as follows:

12 (1) **False information.** Knowingly providing false information in
13 conjunction with the application for special parking privileges for
14 persons with disabilities is a gross misdemeanor punishable under
15 chapter 9A.20 RCW.

16 (2) **Unauthorized use.** Any unauthorized use of ((~~the special~~)) a
17 parking placard, special license ((~~plate~~)) plate, or identification
18 card issued under this chapter is a parking infraction with a monetary
19 penalty of two hundred fifty dollars. In addition to any penalty or
20 fine imposed under this subsection, two hundred dollars must be
21 assessed. For the purposes of this subsection, "unauthorized use"
22 includes the use of a parking placard or special license plate that is
23 expired, faked, forged, or counterfeited, and any use of the placard or
24 special license plate of another holder if the initial holder of the
25 placard or license plate is no longer eligible to use or receive it.

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

33 (4) **Parking without placard/plate.** It is a parking infraction,
34 with a monetary penalty of two hundred fifty dollars, for any person to
35 park a vehicle in a parking place provided on private property without
36 charge or on public property reserved for persons with physical
37 disabilities without a placard or special license plate issued under

1 this chapter. In addition to any penalty or fine imposed under this
2 subsection, two hundred dollars must be assessed. If a person is
3 charged with a violation, the person will not be determined to have
4 committed an infraction if the person produces in court or before the
5 court appearance the placard or special license plate issued under this
6 chapter as required under this chapter. A local jurisdiction providing
7 nonmetered, on-street parking places reserved for persons with physical
8 disabilities may impose by ordinance time restrictions of no less than
9 four hours on the use of these parking places.

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

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

30 ((+6+)) (7) **Allocation and use of funds - reimbursement.** (a) The
31 assessment imposed under subsections (2), (3), ((and)) (4), and (5) of
32 this section must be allocated as follows:

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

35 (ii) One hundred dollars must be deposited in the multimodal
36 transportation account under RCW 47.66.070 for the sole purpose of
37 supplementing a grant program for special needs transportation provided

1 by transit agencies and nonprofit providers of transportation that is
2 administered by the department of transportation.

3 (b) Any reduction in any penalty or fine and assessment imposed
4 under subsections (2), (3), ~~((and))~~ (4), and (5) of this section must
5 be applied proportionally between the penalty or fine and the
6 assessment. When a reduced penalty is imposed under subsection (2),
7 (3), ~~((or))~~ (4), or (5) of this section, the amount deposited in the
8 accounts identified in (a) of this subsection must be reduced equally
9 and proportionally.

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

15 ~~((+7))~~ (8) Illegal obtainment. Except as provided in subsection
16 (1) of this section, it is a traffic infraction with a monetary penalty
17 of two hundred fifty dollars for any person willfully to obtain a
18 special license plate, placard, or identification card issued under
19 this chapter in a manner other than that established under this
20 chapter. It is a violation of this subsection to make a
21 misrepresentation to a medical professional in order to obtain a
22 special license plate or placard, to steal the special license plate or
23 placard of another holder, or, unless transporting the person to whom
24 the special license plate or placard was issued or when using a placard
25 or special license plate issued under RCW 46.19.020, to use the special
26 license plate or placard issued to another holder even if permitted to
27 do so by the holder.

28 ~~((+8))~~ (9) Volunteer appointment. A law enforcement agency
29 authorized to enforce parking laws may appoint volunteers, with a
30 limited commission, to issue notices of infractions for violations of
31 ~~((RCW 46.19.010))~~ this section and RCW 46.19.030 or 46.61.581.
32 Volunteers must be at least twenty-one years of age. The law
33 enforcement agency appointing volunteers may establish any other
34 qualifications that the agency deems desirable.

35 (a) An agency appointing volunteers under this section must provide
36 training to the volunteers before authorizing them to issue notices of
37 infractions.

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

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

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

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

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

16 ~~((+10))~~ (11) **Fine suspension.** The court may not suspend more than
17 one-half of any fine imposed under subsection (2), (3), (4), (5), or
18 ~~((+7))~~ (8) of this section.

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

21 (1) The following organizations may apply for special parking
22 privileges:

23 (a) Public transportation authorities;

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

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

26 (d) Senior citizen centers;

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

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

29 and

30 ~~((+f))~~ (g) Cabulance companies that regularly transport persons
31 with disabilities who have been determined eligible for special parking
32 privileges under this section and who are registered with the
33 department under chapter 46.72 RCW.

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

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

7 (4) The department shall adopt rules to determine organization
8 eligibility.

9 NEW SECTION. **Sec. 4.** (1) Within existing resources, the
10 department of licensing must convene a work group to examine the use of
11 parking placards and special license plates for persons with
12 disabilities and develop a strategic plan for ending any abuse. In
13 developing this plan, the department must work with the department of
14 health, disabled citizen advocacy groups, and representatives from
15 local government.

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

20 (3) The strategic plan must include:

21 (a) Oversight measures to ensure that parking placards and special
22 license plates for persons with disabilities are being properly issued,
23 including: (i) The entity responsible for coordinating a randomized
24 review of applications for special parking privileges; (ii) a volunteer
25 panel of medical professionals to conduct such reviews; (iii) a means
26 to protect the anonymity of both the medical professional conducting a
27 review and the medical professional under review; (iv) a means to
28 protect the privacy of applicants by removing any personally
29 identifiable information; and (v) possible sanctions against a medical
30 professional for repeated improper issuances of parking placards or
31 special license plates for persons with disabilities, including those
32 sanctions listed in chapter 18.130 RCW; and

33 (b) The creation of a publicly accessible system in which the
34 validity of parking placards and special license plates for persons
35 with disabilities may be verified. This system must not allow the
36 public to access any personally identifiable information or protected

1 health information of a person who has been issued a parking placard or
2 special license plate.

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

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

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