

CHAPTER 154

[Second Substitute House Bill No. 448]

DISABLED PARKING PRIVILEGES—CRITERIA EXPANDED

AN ACT Relating to parking for disabled persons; amending section 65, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.565; amending section 50, chapter 54, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 30, Laws of 1983 and RCW 46.90.300; amending section 83, chapter 54, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 65, Laws of 1980 and RCW 46.90.463; adding a new section to chapter 46.16 RCW; adding new sections to chapter 46.16 RCW; creating new sections; repealing section 6, chapter 192, Laws of 1979 ex. sess. and RCW 46.16.380; repealing section 2, chapter 128, Laws of 1961, section 2, chapter 297, Laws of 1975 1st ex. sess., section 2, chapter 102, Laws of 1975-'76 2nd ex. scss., section 2, chapter 27, Laws of 1979 ex. sess. and RCW 46.61.580; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature intends to extend special parking privileges to persons with disabilities that substantially impair mobility.

NEW SECTION. Sec. 2. There is added to chapter 46.16 RCW a new section to read as follows:

(1) The director shall grant special parking privileges to any person who meets one of the following criteria:

- (a) Loss of both lower limbs;
- (b) Loss of normal or full use of the lower limbs to sufficiently constitute a severe disability;
- (c) Is so severely disabled, that the person cannot move without the aid of crutches or a wheelchair;
- (d) Loss of both hands;
- (e) Suffers from lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry is less than one liter per second; or
- (f) Impairment by cardiovascular disease to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American Heart Association.

(2) Persons with special parking privileges are entitled to receive from the department of licensing both a special card to be left in a vehicle in a conspicuous place and, for one motor vehicle only, a decal to be attached to the vehicle in a conspicuous place designated by the director. Instead of the decal and regular motor vehicle license plates, the disabled persons are entitled to receive a special license plate. The card, decal, and special license plate shall be designed to show distinguishing marks, letters, or numerals indicating that the vehicle is being used to transport a disabled person. Persons using vehicles displaying the special license plate, card, or decal shall be permitted to park in places otherwise reserved for physically disabled persons. The director shall also adopt rules providing for the issuance of

special cards to public transportation authorities that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The special card shall be displayed in a vehicle operated when actually transporting the disabled persons. The public transportation authority is responsible for insuring that the special card is not used improperly and is responsible for all fines and penalties for improper use.

(3) Whenever the disabled person transfers or assigns his or her interest in the vehicle, the special decals or license plate shall be removed from the motor vehicle. The person shall immediately surrender the decal to the director together with a notice of the transfer of interest in the vehicle. If another vehicle is acquired by, or for the primary use of, the disabled person, a new decal shall be issued by the director. If another vehicle is acquired by the disabled person and a special plate is used, the plate shall be attached to the vehicle, and the director shall be immediately notified of the transfer of the plate. If another vehicle is not acquired by the disabled person, the removed plate shall be immediately forwarded to the director to be reissued later upon payment of the regular registration fee.

(4) The special license plate shall be renewed in the same manner and at the time required for the renewal of regular motor vehicle license plates under this chapter. No special license plate may be issued to a person who is temporarily disabled. A person who is permanently disabled under this section shall be issued a permanent card. A person who is temporarily disabled under this section shall be issued a temporary card which shall be renewed, when required by the director, by satisfactory proof of the right to continued use of the card.

(5) Additional fees shall not be charged for the issuance of the special card and decal, and, at the time the vehicle is originally licensed in this state, no additional fee may be charged for the issuance of the special license plate except the regular motor vehicle registration fee and any other fees and taxes required to be paid upon initial registration of a motor vehicle.

(6) Any unauthorized use of the special card, the decal, or the special license plate is a traffic infraction.

(7) It is a traffic infraction, with a monetary penalty of not less than fifteen and not more than fifty dollars for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for physically disabled persons without a special license plate, card, or decal. If a person is charged with a violation, the person shall not be determined to have committed an infraction if the person produces in court or before the court appearance the special license plate, card, or decal required under this section or demonstrates that the person was entitled to the special license plate, card, or decal.

(8) It is a misdemeanor for any person to wilfully obtain a special decal, license plate, or card in a manner other than that established under this section.

Sec. 3. Section 65, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.565 are each amended to read as follows:

Any police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever any police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer is hereby authorized to provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway.

(2) Whenever any police officer finds a vehicle unattended upon any highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety.

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of any vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property.

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property.

(5) Whenever a police officer discovers a vehicle which he determines to be a stolen vehicle.

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under section 2 of this 1984 act is parked in a stall or space clearly and conspicuously marked under section 4 of this 1984 act which space is provided on private property without charge or on public property.

(7) Nothing in this section shall derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered disposer as defined in RCW 46.52.102.

NEW SECTION. Sec. 4. There is added to chapter 46.61 RCW under the subchapter heading "stopping, standing, and parking" a new section to read as follows:

A parking space or stall for a physically disabled person shall be indicated by:

(1) A painted white line, at least six inches in width on the improved surface delineating the perimeter of the parking space or stall; and

(2) A vertical sign, between forty-eight and sixty inches off the ground, with the international symbol of access described under RCW 70.92.120 and the notice "State disabled parking permit required."

This section shall not apply to vertical signs in use on the effective date of this act, except that within two years of this date each vertical sign must display the notice "state disabled parking permit required."

NEW SECTION. Sec. 5. There is added to chapter 46.61 RCW a new section to read as follows:

Any person who meets the criteria for special parking privileges under section 2 of this act shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special card, decal, or license plate under section 2 of this act to be eligible for the privileges under this section.

Sec. 6. Section 50, chapter 54, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 30, Laws of 1983 and RCW 46.90.300 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.070, 46.12.080, 46.12.101, 46.12.260, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, 46.16.010, 46.16.025, 46.16.030, 46.16.135, 46.16.140, 46.16.145, 46.16.170, 46.16.180, 46.16.240, 46.16.260, 46.16.290, (~~46.16.380~~) section 2 of this 1984 act, 46.16.500, 46.16.505, 46.20.011, 46.20.021, 46.20.022, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.190, 46.20.220, 46.20.308, 46.20.336, 46.20.342, 46.20.343, 46.20.344, 46.20.391, 46.20.410, 46.20.420, 46.20.430, 46.20.435, 46.20.440, 46.20.500, 46.20.510, 46.29.605, 46.32.060, 46.32.070, 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.460, 46.37.465, 46.37.480, 46.37.490, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550,

46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.100, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, 46.48.170, 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, 46.52.100, 46.52.104, 46.52.106, 46.52.108, 46.52.111, 46.52.112, 46.52.113, 46.52.114, 46.52.116, 46.52.117, 46.52.118, 46.52.119, 46.52.1192, 46.52.1194, 46.52.1196, 46.52.1198, 46.52.145, 46.52.160, 46.52.170, 46.52.180, 46.52.190, 46.52.200, 46.52.210, and 46.80.010.

Sec. 7. Section 83, chapter 54, Laws of 1975 1st ex. sess. as last amended by section 5, chapter 65, Laws of 1980 and RCW 46.90.463 are each amended to read as follows:

The following sections of the Revised Code of Washington as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: Section 5 of this 1984 act, RCW ((46.61.580;)) 46.61.590, 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, and 46.61.685.

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 6, chapter 192, Laws of 1979 ex. sess. and RCW 46.16-.380; and

(2) Section 2, chapter 128, Laws of 1961, section 2, chapter 297, Laws of 1975 1st ex. sess., section 2, chapter 102, Laws of 1975-'76 2nd ex. sess., section 2, chapter 27, Laws of 1979 ex. sess. and RCW 46.61.580.

NEW SECTION. Sec. 9. This act applies to special license plates, cards, or decals issued after the effective date of this act. Nothing in this act invalidates special license plates, cards, or decals issued before the effective date of this act.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House February 29, 1984.

Passed the Senate February 22, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.