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**SENATE BILL 5435**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senator Wagoner

1 AN ACT Relating to permitting holders of disabled American  
2 veteran license plates and holders of Purple Heart license plates to  
3 utilize parking spaces reserved for persons with physical  
4 disabilities; and amending RCW 46.19.050.

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

6 **Sec. 1.** RCW 46.19.050 and 2014 c 124 s 6 are each amended to  
7 read as follows:

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

12 (2) **Unauthorized use.** Any unauthorized use of the parking  
13 placard, special license plate, special year tab, or identification  
14 card issued under this chapter is a parking infraction with a  
15 monetary penalty of two hundred fifty dollars. In addition to any  
16 penalty or fine imposed under this subsection, two hundred dollars  
17 must be assessed. For the purpose of this subsection, "unauthorized  
18 use" includes (a) any use of a parking placard, special license  
19 plate, special year tab, or identification card that is expired,  
20 inactivated, faked, forged, or counterfeited, (b) any use of a  
21 parking placard, special license plate, special year tab, or

1 identification card of another holder if the initial holder is no  
2 longer eligible to use or receive it, and (c) any use of a parking  
3 placard, special license plate, special year tab, or identification  
4 card of another holder even if permitted to do so by the holder.

5 (3) **Inaccessible access.** It is a parking infraction, with a  
6 monetary penalty of two hundred fifty dollars, for a person to stop,  
7 stand, or park in, block, or otherwise make inaccessible the access  
8 aisle located next to a space reserved for persons with physical  
9 disabilities. In addition to any penalty or fine imposed under this  
10 subsection, two hundred dollars must be assessed. The clerk of the  
11 court shall report all violations related to this subsection to the  
12 department.

13 (4) **Parking without placard/plate.** It is a parking infraction,  
14 with a monetary penalty of two hundred fifty dollars, for any person  
15 to park a vehicle in a parking place provided on private property  
16 without charge or on public property reserved for persons with  
17 physical disabilities without a placard or special license plate  
18 issued under this chapter, a disabled American veteran license plate  
19 issued under RCW 46.18.235, or a Purple Heart license plate issued  
20 under RCW 46.18.280. In addition to any penalty or fine imposed under  
21 this subsection, two hundred dollars must be assessed. If a person is  
22 charged with a violation, the person will not be determined to have  
23 committed an infraction if the person establishes that the person  
24 operating the vehicle or being transported at the time of the  
25 infraction had a valid placard, special license plate, or special  
26 year tab issued under this chapter as required under this chapter.  
27 Such person must sign a statement under penalty of perjury that the  
28 placard, special license plate, or special year tab produced prior to  
29 the court appearance was valid at the time of infraction and issued  
30 under this chapter as required under this chapter.

31 (5) **Time restrictions.** A local jurisdiction may impose by  
32 ordinance time restrictions of no less than four hours on the use of  
33 nonreserved, on-street parking spaces by vehicles displaying the  
34 special parking placards or special license plates issued under this  
35 chapter. All time restrictions must be clearly posted.

36 (6) **Improper display of placard/plate.** It is a parking  
37 infraction, with a monetary penalty of two hundred fifty dollars, to  
38 fail to fully display a placard or special license plate issued under  
39 this chapter while parked in a public place on private property  
40 without charge, while parked on public property reserved for persons

1 with physical disabilities, or while parking free of charge as  
2 allowed under RCW 46.61.582. In addition to any penalty or fine  
3 imposed under this subsection, two hundred dollars must be assessed,  
4 for a total of four hundred fifty dollars. For the purpose of this  
5 subsection, "fully display" means hanging or placing the placard or  
6 special license plate so that the full face of the placard or license  
7 plate is visible, including the serial number and expiration date of  
8 the license plate or placard. If a person is charged with a violation  
9 of this subsection, that person will not be determined to have  
10 committed an infraction if the person produces in court or before the  
11 court appearance a valid identification card issued to that person  
12 under RCW 46.19.010.

13 (7) **Allocation and use of funds - reimbursement.** (a) The  
14 assessment imposed under subsections (2), (3), (4), and (6) of this  
15 section must be allocated as follows:

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

18 (ii) One hundred dollars must be deposited in the multimodal  
19 transportation account under RCW 47.66.070 for the sole purpose of  
20 supplementing a grant program for special needs transportation  
21 provided by transit agencies and nonprofit providers of  
22 transportation that is administered by the department of  
23 transportation.

24 (b) Any reduction in any penalty or fine and assessment imposed  
25 under subsections (2), (3), (4), and (6) of this section must be  
26 applied proportionally between the penalty or fine and the  
27 assessment. When a reduced penalty is imposed under subsection (2),  
28 (3), (4), or (6) of this section, the amount deposited in the  
29 accounts identified in (a) of this subsection must be reduced equally  
30 and proportionally.

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

36 (8) **Illegal obtainment.** Except as provided in subsection (1) of  
37 this section, it is a misdemeanor punishable under chapter 9A.20 RCW  
38 for any person willfully to obtain a special license plate, placard,  
39 special year tab, or identification card issued under this chapter in  
40 a manner other than that established under this chapter.

1           (9) **Sale of a placard/plate/tab/card.** It is a misdemeanor  
2 punishable under chapter 9A.20 RCW for any person to sell a placard,  
3 special license plate, special year tab, or identification card  
4 issued under this chapter.

5           (10) **Volunteer appointment.** A law enforcement agency authorized  
6 to enforce parking laws may appoint volunteers, with a limited  
7 commission, to issue notices of infractions for violations of  
8 subsections (2), (3), (4), and (6) of this section or RCW 46.19.030  
9 or 46.61.581. Volunteers must be at least twenty-one years of age.  
10 The law enforcement agency appointing volunteers may establish any  
11 other qualifications that the agency deems desirable.

12           (a) An agency appointing volunteers under this section must  
13 provide training to the volunteers before authorizing them to issue  
14 notices of infractions.

15           (b) A notice of infraction issued by a volunteer appointed under  
16 this subsection has the same force and effect as a notice of  
17 infraction issued by a peace officer for the same offense.

18           (c) A peace officer or a volunteer may request a person to show  
19 the person's identification card or special parking placard when  
20 investigating the possibility of a violation of this section. If the  
21 request is refused, the person in charge of the vehicle may be issued  
22 a notice of infraction for a violation of this section.

23           (11) **Surrender of a placard/plate/tab/card.** If a person is found  
24 to have violated the special parking privileges provided in this  
25 chapter, and unless an appeal of that finding is pending, a judge may  
26 order that the person surrender his or her placard, special license  
27 plate, special year tab, or identification card issued under this  
28 chapter.

29           (12) **Community restitution.** For second or subsequent violations  
30 of this section, in addition to a monetary penalty, the violator must  
31 complete a minimum of forty hours of:

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

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

1           (13) **Fine suspension.** The court may not suspend more than one-  
2 half of any fine imposed under subsection (2), (3), (4), or (6) of  
3 this section.

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