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HOUSE BILL 2773

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Moscoso, Blake, Sells, Wilcox, Fitzgibbon, Orcutt, Morrell, Haler, Kochmar, and Condotta

Read first time 02/06/14. Referred to Committee on Transportation.

1 AN ACT Relating to the operation of wheeled all-terrain vehicles in  
2 recreation areas for persons with disabilities; amending RCW 46.19.030  
3 and 46.63.020; adding a new section to chapter 46.09 RCW; prescribing  
4 penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.09 RCW  
7 to read as follows:

8 (1) The department must issue, and design, an Americans with  
9 disabilities act parking sticker for placement on a wheeled all-terrain  
10 vehicle, authorizing access to recreation areas that are difficult to  
11 access by persons with disabilities, to an applicant that meets the  
12 following requirements:

13 (a) The applicant's disability must be determined by a person  
14 listed under RCW 46.19.010(2) and recorded on a certification document  
15 designed and administered by the department, establishing that the  
16 applicant meets one of the following criteria:

17 (i) Loss of one or both legs or feet;

18 (ii) Inability to walk more than two hundred feet without having to  
19 stop and rest;

1 (iii) Inability to walk due to severe disability where a person  
2 cannot walk without the use of or assistance from a brace, crutches,  
3 walker, cane, prosthetic device, wheel chair, other assistive device,  
4 or another person;

5 (iv) Lung disease from which the person's expiratory volume for one  
6 second is less than one liter when measured by spirometry or from which  
7 the person's arterial oxygen is less than 60 mm/hg of room air at rest;

8 (v) Severely limited in ability to walk due to arthritic,  
9 neurological, or orthopedic condition;

10 (vi) Uses portable oxygen;

11 (vii) Cardiovascular disease from which the person's functional  
12 limitations are classified as class III or IV under standards adopted  
13 by the American heart association;

14 (viii) Cardiovascular disease from which a marked limitation of  
15 physical activity causes fatigue, palpitation, dyspnea, or anginal  
16 pain; or

17 (ix) Other disease or disorder including, but not limited to,  
18 severe arthritis or neurological orthopedic impairment that creates a  
19 severe mobility limitation; and

20 (b) The wheeled all-terrain vehicle meets all registration  
21 requirements under this chapter.

22 (2)(a) The Americans with disabilities act parking sticker must be  
23 placed on the rear of the wheeled all-terrain vehicle.

24 (b) The Americans with disabilities act parking sticker must be  
25 renewed every three years at the time of annual registration renewal  
26 for the wheeled all-terrain vehicle. If the person's disability is  
27 temporary, the sticker expires on the date submitted for recovery by  
28 the physician as listed on the certification document.

29 (c) The department may by rule establish a fee to cover the cost of  
30 designing, producing, and administering the Americans with disabilities  
31 act parking sticker.

32 (3) A person must carry either a Washington state driver's license  
33 or identicard when operating a wheeled all-terrain vehicle with an  
34 Americans with disabilities act parking sticker.

35 (4) The privileges granted under this section may extend to one  
36 companion of the operator of a wheeled all-terrain vehicle with an  
37 Americans with disabilities act parking sticker serving as operator or  
38 passenger of the vehicle if the vehicle is designed for passenger use.

1 (5) The submittal of fraudulent physician certification documents  
2 submitted to the department to obtain an Americans with disabilities  
3 act parking sticker is a gross misdemeanor.

4 (6) The department may adopt rules to implement and administer this  
5 section.

6 **Sec. 2.** RCW 46.19.030 and 2010 c 161 s 704 are each amended to  
7 read as follows:

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

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

14 (3) Parking placards must be displayed when the motor vehicle is  
15 parked by suspending it from the rearview mirror. In the absence of a  
16 rearview mirror, the parking placard must be displayed on the  
17 dashboard.

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

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

24 (b) Persons who possess an Americans with disabilities act parking  
25 sticker as issued under section 1 of this act on his or her wheeled  
26 all-terrain vehicle may park the wheeled all-terrain vehicle in places  
27 reserved for persons with physical disabilities.

28 **Sec. 3.** RCW 46.63.020 and 2013 2nd sp.s. c 23 s 21 are each  
29 amended to read as follows:

30 Failure to perform any act required or the performance of any act  
31 prohibited by this title or an equivalent administrative regulation or  
32 local law, ordinance, regulation, or resolution relating to traffic  
33 including parking, standing, stopping, and pedestrian offenses, is  
34 designated as a traffic infraction and may not be classified as a  
35 criminal offense, except for an offense contained in the following

1 provisions of this title or a violation of an equivalent administrative  
2 regulation or local law, ordinance, regulation, or resolution:

3 (1) Section 1 of this act relating to the submittal of fraudulent  
4 physician certification documents to obtain an Americans with  
5 disabilities act parking sticker;

6 (2) RCW 46.09.457(1)(b)(i) relating to a false statement regarding  
7 the inspection of and installation of equipment on wheeled all-terrain  
8 vehicles;

9 ~~((+2))~~ (3) RCW 46.09.470(2) relating to the operation of a  
10 nonhighway vehicle while under the influence of intoxicating liquor or  
11 a controlled substance;

12 ~~((+3))~~ (4) RCW 46.09.480 relating to operation of nonhighway  
13 vehicles;

14 ~~((+4))~~ (5) RCW 46.10.490(2) relating to the operation of a  
15 snowmobile while under the influence of intoxicating liquor or  
16 narcotics or habit-forming drugs or in a manner endangering the person  
17 of another;

18 ~~((+5))~~ (6) RCW 46.10.495 relating to the operation of snowmobiles;

19 ~~((+6))~~ (7) Chapter 46.12 RCW relating to certificates of title,  
20 registration certificates, and markings indicating that a vehicle has  
21 been destroyed or declared a total loss;

22 ~~((+7))~~ (8) RCW 46.16A.030 and 46.16A.050(3) relating to the  
23 nonpayment of taxes and fees by failure to register a vehicle and  
24 falsifying residency when registering a motor vehicle;

25 ~~((+8))~~ (9) RCW 46.16A.520 relating to permitting unauthorized  
26 persons to drive;

27 ~~((+9))~~ (10) RCW 46.16A.320 relating to vehicle trip permits;

28 ~~((+10))~~ (11) RCW 46.19.050 relating to knowingly providing false  
29 information in conjunction with an application for a special placard or  
30 license plate for disabled persons' parking;

31 ~~((+11))~~ (12) RCW 46.20.005 relating to driving without a valid  
32 driver's license;

33 ~~((+12))~~ (13) RCW 46.20.091 relating to false statements regarding  
34 a driver's license or instruction permit;

35 ~~((+13))~~ (14) RCW 46.20.0921 relating to the unlawful possession  
36 and use of a driver's license;

37 ~~((+14))~~ (15) RCW 46.20.342 relating to driving with a suspended or  
38 revoked license or status;

1        ~~((+15+))~~ (16) RCW 46.20.345 relating to the operation of a motor  
2 vehicle with a suspended or revoked license;  
3        ~~((+16+))~~ (17) RCW 46.20.410 relating to the violation of  
4 restrictions of an occupational driver's license, temporary restricted  
5 driver's license, or ignition interlock driver's license;  
6        ~~((+17+))~~ (18) RCW 46.20.740 relating to operation of a motor  
7 vehicle without an ignition interlock device in violation of a license  
8 notation that the device is required;  
9        ~~((+18+))~~ (19) RCW 46.20.750 relating to circumventing an ignition  
10 interlock device;  
11       ~~((+19+))~~ (20) RCW 46.25.170 relating to commercial driver's  
12 licenses;  
13       ~~((+20+))~~ (21) Chapter 46.29 RCW relating to financial  
14 responsibility;  
15       ~~((+21+))~~ (22) RCW 46.30.040 relating to providing false evidence of  
16 financial responsibility;  
17       ~~((+22+))~~ (23) RCW 46.35.030 relating to recording device  
18 information;  
19       ~~((+23+))~~ (24) RCW 46.37.435 relating to wrongful installation of  
20 sunscreening material;  
21       ~~((+24+))~~ (25) RCW 46.37.650 relating to the sale, resale,  
22 distribution, or installation of a previously deployed air bag;  
23       ~~((+25+))~~ (26) RCW 46.37.671 through 46.37.675 relating to signal  
24 preemption devices;  
25       ~~((+26+))~~ (27) RCW 46.37.685 relating to switching or flipping  
26 license plates, utilizing technology to flip or change the appearance  
27 of a license plate, selling a license plate flipping device or  
28 technology used to change the appearance of a license plate, or  
29 falsifying a vehicle registration;  
30       ~~((+27+))~~ (28) RCW 46.44.180 relating to operation of mobile home  
31 pilot vehicles;  
32       ~~((+28+))~~ (29) RCW 46.48.175 relating to the transportation of  
33 dangerous articles;  
34       ~~((+29+))~~ (30) RCW 46.52.010 relating to duty on striking an  
35 unattended car or other property;  
36       ~~((+30+))~~ (31) RCW 46.52.020 relating to duty in case of injury to  
37 or death of a person or damage to an attended vehicle;

1        ~~((31))~~ (32) RCW 46.52.090 relating to reports by repairers,  
2 storage persons, and appraisers;  
3        ~~((32))~~ (33) RCW 46.52.130 relating to confidentiality of the  
4 driving record to be furnished to an insurance company, an employer,  
5 and an alcohol/drug assessment or treatment agency;  
6        ~~((33))~~ (34) RCW 46.55.020 relating to engaging in the activities  
7 of a registered tow truck operator without a registration certificate;  
8        ~~((34))~~ (35) RCW 46.55.035 relating to prohibited practices by tow  
9 truck operators;  
10       ~~((35))~~ (36) RCW 46.55.300 relating to vehicle immobilization;  
11       ~~((36))~~ (37) RCW 46.61.015 relating to obedience to police  
12 officers, flaggers, or firefighters;  
13       ~~((37))~~ (38) RCW 46.61.020 relating to refusal to give information  
14 to or cooperate with an officer;  
15       ~~((38))~~ (39) RCW 46.61.022 relating to failure to stop and give  
16 identification to an officer;  
17       ~~((39))~~ (40) RCW 46.61.024 relating to attempting to elude  
18 pursuing police vehicles;  
19       ~~((40))~~ (41) RCW 46.61.212(4) relating to reckless endangerment of  
20 emergency zone workers;  
21       ~~((41))~~ (42) RCW 46.61.500 relating to reckless driving;  
22       ~~((42))~~ (43) RCW 46.61.502 and 46.61.504 relating to persons under  
23 the influence of intoxicating liquor or drugs;  
24       ~~((43))~~ (44) RCW 46.61.503 relating to a person under age twenty-  
25 one driving a motor vehicle after consuming alcohol;  
26       ~~((44))~~ (45) RCW 46.61.520 relating to vehicular homicide by motor  
27 vehicle;  
28       ~~((45))~~ (46) RCW 46.61.522 relating to vehicular assault;  
29       ~~((46))~~ (47) RCW 46.61.5249 relating to first degree negligent  
30 driving;  
31       ~~((47))~~ (48) RCW 46.61.527(4) relating to reckless endangerment of  
32 roadway workers;  
33       ~~((48))~~ (49) RCW 46.61.530 relating to racing of vehicles on  
34 highways;  
35       ~~((49))~~ (50) RCW 46.61.655(7) (a) and (b) relating to failure to  
36 secure a load;  
37       ~~((50))~~ (51) RCW 46.61.685 relating to leaving children in an  
38 unattended vehicle with the motor running;

- 1        ~~((+51+))~~ (52) RCW 46.61.740 relating to theft of motor vehicle  
2 fuel;
- 3        ~~((+52+))~~ (53) RCW 46.64.010 relating to unlawful cancellation of or  
4 attempt to cancel a traffic citation;
- 5        ~~((+53+))~~ (54) RCW 46.64.048 relating to attempting, aiding,  
6 abetting, coercing, and committing crimes;
- 7        ~~((+54+))~~ (55) Chapter 46.65 RCW relating to habitual traffic  
8 offenders;
- 9        ~~((+55+))~~ (56) RCW 46.68.010 relating to false statements made to  
10 obtain a refund;
- 11        ~~((+56+))~~ (57) Chapter 46.70 RCW relating to unfair motor vehicle  
12 business practices, except where that chapter provides for the  
13 assessment of monetary penalties of a civil nature;
- 14        ~~((+57+))~~ (58) Chapter 46.72 RCW relating to the transportation of  
15 passengers in for hire vehicles;
- 16        ~~((+58+))~~ (59) RCW 46.72A.060 relating to limousine carrier  
17 insurance;
- 18        ~~((+59+))~~ (60) RCW 46.72A.070 relating to operation of a limousine  
19 without a vehicle certificate;
- 20        ~~((+60+))~~ (61) RCW 46.72A.080 relating to false advertising by a  
21 limousine carrier;
- 22        ~~((+61+))~~ (62) Chapter 46.80 RCW relating to motor vehicle wreckers;
- 23        ~~((+62+))~~ (63) Chapter 46.82 RCW relating to driver's training  
24 schools;
- 25        ~~((+63+))~~ (64) RCW 46.87.260 relating to alteration or forgery of a  
26 cab card, letter of authority, or other temporary authority issued  
27 under chapter 46.87 RCW;
- 28        ~~((+64+))~~ (65) RCW 46.87.290 relating to operation of an  
29 unregistered or unlicensed vehicle under chapter 46.87 RCW.

30        NEW SECTION.    **Sec. 4.**    This act takes effect July 1, 2014.

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