

SUBJECT: Disabled parking placards

COMMITTEE: Public Safety — committee substitute recommended

VOTE: 8 ayes — Oakley, Driver, Keel, Keffer, Madden, McClendon, Olivo,
E. Reyna

0 nays

1 absent —Carter

WITNESSES: For — A. Kent Waldrep, National Paralysis Foundation; Bruce Elfant,
Travis County; Dallas Patterson, Coalition of Texans with Disabilities; Joel
Albright, Texas Parking Association

Against — None

On — Jerry Dike and E.C. Sherman, Texas Department of Public Safety

BACKGROUND : Persons with temporary or permanent disabilities may apply to their county
tax assessor-collector for a disabled parking placard. The first application
requires a \$5 fee and must be submitted with acceptable medical proof and a
written statement from a doctor that the operator or a regularly transported
passenger has a disability. Alternatively, the applicant and the county tax
assessor-collector can execute an affidavit attesting to the disability. A blue
disabled parking placard, issued to persons with permanent disabilities,
expires after five years. A red placard, issued to persons with temporary
disabilities, expires after six months. A disabled parking placard also allows
for free parking at metered spaces, parking garages and municipal airports.

DIGEST: CSHB 580 would require that an application for a disabled parking placard
be submitted with a notarized written statement or written prescription from
a licensed physician providing acceptable evidence that the applicant was
legally blind or had a substantial mobility problem. The statement would
have to specify whether the disability was permanent or temporary.

The name and address of persons issued placards would be confidential and
not subject to disclosure under the Public Information (Open Records) Act.

Applicants would have to include driver's license or personal identification numbers on their application. The county tax assessor-collector would record the number on the disabled parking placard issued. Placards would bear a hologram in order to prevent their reproduction or the production of counterfeit placards.

Placards issued to persons with permanent disabilities would be valid for four years; these placards could be replaced or renewed upon the request of the original applicant without additional evidence of eligibility. Placards issued for a temporary disability would expire after six months and could be renewed only if the person presented another notarized written statement or prescription from a licensed physician.

Vehicles bearing disability placards would no longer be exempt from fees or penalties imposed by government units for parking in garages, lots or facilities within the boundaries of municipal airports.

Law enforcement officers would be authorized to seize a placard if they believe it was being used improperly. Officers would have 48 hours to determine whether probable cause existed to believe an offense was committed; if no probable cause was found, they would have to promptly return the placard to its owner. If there was probable cause, officers would have to submit the placard to the Texas Department of Transportation within five days. The placard would be revoked upon its submission to the department. The person whose placard was seized would have a right to a hearing on the revocation.

CSHB 580 would also allow political subdivisions to appoint volunteers who completed a four-hour training course to write tickets for violations of the disabled parking law. The volunteers would have no authority beyond writing tickets and would not be allowed to carry a weapon. The political subdivision and state would not be liable for any act or omission of appointed volunteers.

The bill would take effect September 1, 1997.

SUPPORTERS
SAY:

CSHB 580 would help combat widespread abuse of disabled parking placards. Under the current system, it is very easy to obtain a disabled placard by falsifying a doctor's signature on the application. This bill would tighten up the availability of placards by requiring a legitimate diagnosis and a notarized statement or prescription from a licensed physician.

Counterfeit disabled parking placards are easily reproduced and even sold at flea markets. The bill would make it much harder to produce counterfeit placards by requiring a hologram and a driver's license or identification number on the placards. Disabled placards with holograms are readily available from a number of national organizations.

Currently, law enforcement officers have no clear authority to seize stolen or misused placards. This bill would give law enforcement officers the much needed authority to seize suspect placards while providing such safeguards as requiring a finding of probable cause and allowing a hearing in case of revocation. Fraudulently used tags that are seized by police could be more quickly returned to their rightful owners.

The current law is also difficult to enforce because there is no statewide database to help verify ownership of and track disabled parking placards. Currently, as many as 30 percent of placards in any given county are not traceable because they were issued in other counties. Many persons use placards belonging to other people, including family members who have since died, in order to park in reserved handicapped spaces. If a driver's license or identification number was on each placard, law enforcement officers could use existing databases to immediately identify the owner and seize any placard that was being misused.

CSHB 580 also would help organize volunteers who could assist police in tracking down disabled placard abuse. The bill would require training for volunteers and only allow them to write tickets, not to carry weapons. At least 14 Texas cities already allow citizen volunteers to help enforce disabled parking laws, and four others are developing monitoring programs. These programs have been very successful in cutting down on abuse of parking placards. Twelve parking enforcement programs involving 220 volunteers and 40 police officers have issued 10,660 tickets statewide.

OPPONENTS
SAY: No apparent opposition.

NOTES: The committee substitute required holograms on disabled placards, allowed a written prescription as an alternative to a notarized medical statement, made the name and address of applicants confidential, required applicants to provide their driver's license number or identification number for placement on the placards rather than establishing a separate database at DPS, and required permanent tags to be renewed every four years and temporary tags every six months.