that address the dangers, causes, consequences, signs, symptoms, and treatment of binge
drinking and alcohol poisoning. The agency shall compile a list of evidence-based alcohol
awareness programs from which a school district shall choose a program to use in the
district’s middle school, junior high school, and high school health curriculum. In this
subsection, “evidence-based alcohol awareness program” means a program, practice, or
strategy that has been proven to effectively prevent or delay alcohol use among students, as
determined by evaluations that use valid and reliable measures and that are published in
peer-reviewed journals.

SECTION 3. This Act applies beginning with the 2009–2010 school year.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the
members elected to each house, as provided by Section 39, Article III, Texas Constitution. If
this Act does not receive the vote necessary for immediate effect, this Act takes effect
September 1, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 26,
2009: Yeas 141, Nays 0, three present not voting.

Approved June 19, 2009.


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CHAPTER 530

S.B. No. 1359

AN ACT

relating to forfeiture of remedy for nonpayment of ad valorem taxes.

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

SECTION 1. Section 42.08, Tax Code, is amended by amending Subsection (d) and adding
Subsections (e) and (f) to read as follows:

(d) After filing an oath of inability to pay the taxes at issue, a party may be excused from
the requirement of prepayment of tax as a prerequisite to appeal if the court, after notice and
hearing, finds that such prepayment would constitute an unreasonable restraint on the party’s
right of access to the courts. On the motion of a party and after the movant’s compliance
with Subsection (e), the court shall hold a hearing to review and determine compliance with
this section, and the reviewing court may set such terms and conditions on any grant of relief
as may be reasonably required by the circumstances. If the court determines that the
property owner has not substantially complied with this section, the court shall dismiss the
pending action. If the court determines that the property owner has substantially but not
fully complied with this section, the court shall dismiss the pending action unless the property
owner fully complies with the court’s determination within 30 days of the determination.

(e) Not later than the 45th day before the date of a hearing to review and determine
compliance with this section, the movant must mail notice of the hearing by certified mail,
return receipt requested, to the collector for each taxing unit that imposes taxes on the
property.

(f) Regardless of whether the collector for the taxing unit receives a notice under
Subsection (e), a taxing unit that imposes taxes on the property may intervene in an appeal
under this chapter and participate in the proceedings for the limited purpose of determining
whether the property owner has complied with this section. The taxing unit is entitled to
process for witnesses and evidence and to be heard by the court.

SECTION 2. (a) Except as provided by Subsection (b) of this section:

(1) the change in law made by this Act applies only to an appeal under Chapter 42, Tax
Code, that is filed on or after the effective date of this Act; and

(2) an appeal under Chapter 42, Tax Code, that was filed before the effective date of this
Act is governed by the law in effect on the date the appeal was filed, and the former law is
continued in effect for that purpose.
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(b) Subsection (f), Section 42.08, Tax Code, as added by this Act, applies to an appeal under Chapter 42, Tax Code, that is:

(1) filed on or after the effective date of this Act; or
(2) pending on the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 26, 2009: Yeas 145, Nays 0, one present not voting.

Approved June 19, 2009.


CHAPTER 531

S.B. No. 1367

AN ACT
relating to parking placard or specialty license plate applications by persons with a mobility problem caused by an impairment of vision.

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

SECTION 1. Subsection (a), Section 504.201, Transportation Code, is amended by adding Subdivision (3) to read as follows:

(3) “Practice of optometry” and “practice of therapeutic optometry” have the meanings assigned by Section 351.002, Occupations Code.

SECTION 2. Section 504.201, Transportation Code, is amended by amending Subsection (d) and adding Subsection (d-1) to read as follows:

(d) Except as provided by Subsection (d-1), the initial application for specialty license plates under this section must be accompanied by a written statement from a physician who is licensed to practice medicine in this state or in a state adjacent to this state or who is authorized by applicable law to practice medicine in a hospital or other health facility of the Department of Veterans Affairs. If the applicant has a mobility problem caused by a disorder of the foot, the written statement may be issued by a person licensed to practice podiatry in this state or a state adjacent to this state. In this subsection, “podiatry” has the meaning assigned by Section 681.001. The statement must certify that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person’s ability to ambulate. The statement must also certify whether a mobility problem is temporary or permanent. A written statement is not required as acceptable medical proof if:

(1) the person with a disability:
   (A) has had a limb, hand, or foot amputated; or
   (B) must use a wheelchair; and

(2) the applicant and the county assessor-collector processing the application execute an affidavit attesting to the person’s disability.

(d-1) If the initial application for specialty license plates under this section is made by or on behalf of a person who is legally blind, the written statement required by Subsection (d) may be issued by a person licensed to engage in the practice of optometry or the practice of therapeutic optometry in this state or a state adjacent to this state.

SECTION 3. Section 681.003, Transportation Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

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