

BILL ANALYSIS

Senate Research Center

H.B. 580
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Intergovernmental Relations
5-15-97
Committee Report (Amended)

DIGEST

Currently, officials from local law enforcement agencies, volunteer handicap parking enforcement programs, and tax offices are observing a widespread misuse of disabled parking placards. This bill requires the Department of Public Safety to maintain a record of disabled parking placards issued statewide.

PURPOSE

As proposed, H.B. 580 sets forth provisions relating to the enforcement of laws relating to parking by, or accessibility of facilities to, persons with disabilities.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 681.002, Transportation Code, by adding Subsection (d), to require a disabled parking placard to bear a hologram designed to prevent the reproduction of the placard or the production of a counterfeit placard.

SECTION 2. Amends Section 681.003, Transportation Code, by amending Subsection (c) and adding Subsection (d), to require the first application to be accompanied by a notarized written statement or written prescription which provides certain evidence that the person for whom the application is made is legally blind or has a certain mobility problems. Requires the statement or prescription to include a certification of whether the disability is temporary or permanent. Requires the Texas Department of Transportation (TxDOT) to determine a persons's eligibility based on the evidence provided by the applicant establishing legal blindness or mobility impairment. Deletes provisions regarding acceptable medical proof offered by the applicant for a disability classification under this section. Provides that certain information is confidential and not subject to disclosure under Chapter 552, Government Code.

SECTION 3. Amends Chapter 681, Transportation Code, by adding Section 681.0031, as follows:

Sec. 681.0031. APPLICANT'S DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CARD NUMBER. Requires the applicant to include on the application the applicant's driver's license number or the number of the personal identification card issued to the applicant under Chapter 521. Requires TxDOT to provide for this information in prescribing the application form. Requires the county assessor-collector to record the number on any disabled parking placard issued to the applicant.

SECTION 4. Amends Sections 681.004(c) and (d), Transportation Code, to provide that a disability parking placard issued to a person with a permanent disability is valid for a period of four years, rather than five years, and shall, rather than may, be replaced or renewed on request of the person with whom the initial card was issued without presentation of evidence of eligibility. Authorizes a disabled parking placard to be renewed at the end of the period if the disability remains as evidenced by a physician's statement or prescription submitted as required for a first application under Section 681.003(c).

SECTION 5. Amends Section 681.006(c), Transportation Code, to provide that the exemption provided by the Subsection (b) does not apply to a fee or penalty imposed by a governmental unit for parking at a meter, in a parking garage or lot, or in a space located within the boundaries of a municipal airport.

SECTION 6. Amends Chapter 681, Transportation Code, by adding Section 681.0101, as follows:

Sec. 681.0101. ENFORCEMENT BY CERTAIN APPOINTED PERSONS. Sets forth provisions regarding a person appointed, by a political subdivision, to have the authority to file a charge against a person who commits an offense under this chapter.

SECTION 7. Amends Chapter 681, Transportation Code, by adding Section 681.012, as follows:

Sec. 681.012. SEIZURE AND REVOCATION OF PLACARD. Sets forth provisions regarding the seizure of a disabled parking placard and the subsequent revocation of a seized parking placard. Requires TxDOT to conduct a hearing and determine whether the revocation should continue or the placard should be returned to the person and the revocation rescinded.

SECTION 8. Amends Section 5, Article 9102, V.T.C.S., by amending Subsection (e) and adding Subsections (g) and (h), to delete a provision requiring the Department of Licensing and Regulation (department) to inspect certain buildings that are subject to this article. Provides that certain standards and specifications adopted by the commission under this article also apply to the Texas Rehabilitation Commission. Requires the commissioner of licensing and regulation (commissioner) to require complete compliance with certain standards and specifications prescribed or referenced by Subsection (g) of this section. Sets forth provisions regarding the required compliance with certain standards and specifications under this section.

SECTION 9. (a) Provides that this Act conforms the Transportation Code to the changes made in law by SECTIONS 1 and 3, Chapter 929, Acts of the 74th Legislature, Regular Session, 1995.

(b) Repealers: SECTIONS 1 and 2, Article 6675a-5e.1, V.T.C.S. ("Permanently disabled" defined; Application and Parking Privileges).

(c) Provides that to the extent of any conflict this Act prevails over another Act of the 75th Legislature, Regular Session, 1997, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 10. Makes application of this Act prospective.

SECTION 11. Effective date: September 1, 1997.

SECTION 12. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 6, line 11, insert "to which those standards apply" between "for the state" and "comply with."