

## **BILL ANALYSIS**

Senate Research Center

H.B. 148  
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Engrossed

### **DIGEST AND PURPOSE**

Under current law, the Texas Department of Transportation is authorized to issue a disabled parking placard to hang from the rear view mirror of the car of a person with a disability, as determined by a physician. While the Transportation Code provides penalties for the misuse of a legitimately issued placard, police currently rely on a provision in the Penal Code to prosecute persons who sell or use false placards. This provision requires that the person knowingly "makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record." H.B. 148 prohibits the manufacture, sale, possession or use of a counterfeit placard.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 681, Transportation Code, by adding Section 681.0111, as follows:

Sec. 681.0111. MANUFACTURE, SALE, POSSESSION, OR USE OF COUNTERFEIT PLACARD. (a) Provides that a person commits an offense if, without the Texas Department of Transportation's authorization, the person manufactures, sells, or possesses a placard that is deceptively similar to a disabled parking placard.

(b) Provides that a person commits an offense if the person knowingly parks a vehicle displaying a counterfeit placard in a parking space or area designated specifically for persons with disabilities.

(c) Provides that an offense under Subsection (a) is a Class A misdemeanor. Provides that an offense under Subsection (b) is a Class C misdemeanor.

(d) Provides that for purposes of this section, a placard is deceptively similar to a disabled parking placard if the placard is not a genuine disabled parking placard but a reasonable person would presume that it is a genuine disabled parking placard.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.