

BILL ANALYSIS

Senate Research Center
81R26340 E

H.B. 3095
By: Harless (Carona)
Transportation & Homeland Security
5/18/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3095 relates to the use of a parking space or area designated specifically for persons with disabilities.

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 Section 681.002(b), Transportation Code, as follows:

(b) Requires that a disabled parking placard be two-sided and hooked and include on each side: the international symbol of access, which is required to be at least three inches in height, be centered on the placard, and be white on a blue shield for a placard issued to a person with a permanent disability, rather than mobility disability described by Section 681.001(5)(B) (relating to a person who cannot walk with the use of a certain device) or (C) (relating to a person who cannot ambulate without a wheelchair or similar device) or white on a red shield for a placard issued to a person with a temporary disability, rather than any other permanent or temporary disability; an identification number; an expiration date at least three inches in height; and the seal or other identification of the Texas Department of Transportation (TxDOT).

SECTION 2. Amends Section 681.003(b), Transportation Code, to set forth the requirements for an application for a disabled parking placard, including being accompanied by a fee of \$5 if the application is for a temporary placard.

SECTION 3. Amends Section 681.009(e), Transportation Code, as follows:

(e) Authorizes that parking spaces or areas designated for the exclusive use of vehicles transporting persons with disabilities be used by vehicles displaying a white on blue shield disabled parking placard, license plates issued under Section 504.201 (Persons with Disabilities) or 504.202 (Veterans with Disabilities), or a white on red shield disabled parking placard. Deletes existing text requiring a private property owner or private person who controls property used for parking and who designates one or more uncovered parking spaces for the exclusive use of vehicles transporting persons with disabilities to assign at least half of those spaces for the exclusive use of vehicles displaying a white on blue shield disabled parking placard or license plates issued under 504.202, except that if an odd number of spaces is designated, only the number of spaces that is the largest whole number less than half of the number of designated spaces must be assigned for the exclusive use of vehicles displaying a white on blue shield placard or license plates issued under Section 504.202. Deletes existing text requiring van-accessible parking spaces to be counted as assigned spaces under this subsection. Deletes existing text requiring these assigned spaces to be the spaces located closest to an accessible route to an entrance accessible to a person with a disability. Deletes existing text authorizing the remaining designated parking spaces to be used by vehicles displaying a white on blue shield disabled parking placard, a white on red shield disabled parking placard, license plates issued under Section 504.201, or license plates issued under Section 504.202. Deletes existing text providing that this subsection applies only to a property used for parking that serves

a building or other facility that state law requires to be accessible to person with disabilities and for which construction or an alteration of the building or other facility is completed on or after September 1, 1999.

SECTION 4. Amends Sections 681.011(b), (g), (h), (i), (j), and (k), Transportation Code, as follows:

(b) Provides that a person commits an offense if the person stands a vehicle on which license plates issued under Section 504.201 or 504.202 are not displayed and a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities by a political subdivision or a person who owns or controls private property used for parking as to which a political subdivision has provided for the application of this section under Subsection (f) (relating to a political subdivision's application of this section to a parking space or area for persons with disabilities on certain private property). Deletes existing text providing that a person commits an offense if the person stands a vehicle displaying a white on red shield disabled parking placard or license plates issued under Section 504.201 in a space designated under Section 681.009(e) for the exclusive use of vehicles displaying a white on blue shield disabled parking placard or license plates issued under Section 504.202.

(g) Provides that, except as provided by Subsections (h)-(k), an offense under this section is a misdemeanor punishable by a fine of not less than \$250 or more than \$500.

(h) Provides that the offense, if it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, is punishable by a fine of not less than \$500 or more than \$800, rather than \$300 or more than \$600, and 10 hours of community service.

(i) Provides that the offense, if it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, is punishable by a fine of not less than \$550 or more than \$800, rather than \$300 or more than \$600, and 20 hours of community service, rather than not less than 10 or more than 20 hours of community service.

(j) Provides that the offense, if it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, is punishable by a fine of not less than \$800 or more than \$1,100, rather than \$500 or more than \$1,000, and 30 hours of community service, rather than not less than 20 or more than 50 hours of community service.

(k) Provides that the offense, if it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, is punishable by a fine of \$1,250, rather than \$1,000, and 50 hours of community service.

SECTION 5. Amends Section 681.012, Transportation Code, by adding Subsections (a-1) and (a-2) and amending Subsection (b), as follows:

(a-1) Authorizes a peace officer to seize a disabled parking placard from a person who operates a vehicle on which a disabled parking placard is displayed if the peace officer determines by inspecting the person's driver's license or personal identification certificate that the disabled parking placard does not contain the first four digits of the driver's license number or personal identification certificate number and the initials of the person operating the vehicle or a person being transported by the vehicle.

(a-2) Requires a peace officer shall submit each seized parking placard to TxDOT not later than the fifth day after the seizure.

(b) Provides that a placard, on submission to TxDOT under Subsection (a) or (a-2), is revoked. Requires TxDOT, on request of the person from whom the placard was seized, 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 6. Makes application of this Act prospective.

SECTION 7. (a) Provides that the change in law made by this Act applies only to an offense committed on or after September 1, 2009.

(b) Makes application of this Act prospective. Provides that, for the purposes of this subsection, an offense was committed before September 1, 2009, if any element of the offense was committed before that date.

SECTION 8. Effective date: September 1, 2009.