

## **BILL ANALYSIS**

Senate Research Center

H.B. 3064  
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Transportation & Homeland Security  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many people believe that fraudulent use and issuance of parking placards is an ongoing problem in Texas. H.B. 3064 directs the Governor's Committee on People with Disabilities to study the improper use of disabled parking spaces, with an emphasis on improper use at large buildings and facilities, including stadiums and performing arts centers. The bill also addresses the unprofessional conduct of health care providers who knowingly make false statements in conjunction with the issuance of disabled parking placards and stiffens penalties against those who abuse disabled parking spaces.

H.B. 3064 amends the Occupations Code to specify that a health care provider commits unprofessional conduct if the provider, in connection with the provider's professional activities, knowingly makes a false or misleading statement in a notarized written statement to certify a person's eligibility to obtain a disabled parking placard for a person who is ineligible for the placard under provisions of law.

H.B. 3064 amends the Transportation Code to make a person who violates provisions of law relating to improper use of a parking space or area for persons with disabilities liable for a civil penalty, not to exceed \$750, to the political subdivision that designated the parking space or area specifically for persons with disabilities, or that provided such provisions of law apply to a parking space or arena on private property.

H.B. 3064 amends current law relating to preventing the fraudulent issuance and use of disabled parking placards and provides a civil penalty.

### **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 105.002(a), Occupations Code, as follows:

- (a) Provides that a health care provider commits unprofessional conduct if the health care provider, in connection with the provider's professional activities:
  - (1) Makes no change to this subdivision;
  - (2)-(3) Makes nonsubstantive changes to these subdivisions; or
  - (4) knowingly makes a false or misleading statement in a notarized written statement to certify a person's eligibility to obtain a disabled parking placard for a person who is ineligible for the placard under Section 681.003 (Parking Placard Application), Transportation Code.

SECTION 2. Amends the heading to Section 681.011, Transportation Code, to read as follows:

Sec. 681.011. CRIMINAL AND CIVIL PENALTIES

SECTION 3. Amends Section 681.011, Transportation Code, by adding Subsection (f-1), as follows:

(f-1) Provides that a person who violates this section is liable for a civil penalty, not to exceed \$750, to the political subdivision that:

(1) designated the parking space or area specifically for persons with disabilities; or

(2) provided that this section applies to a parking space or area on private property under Subsection (f) (relating to authorizing a political subdivision to provide that this section applies to a parking space or area for persons with disabilities on certain private property).

SECTION 4. Reenacts Section 681.011(h), Transportation Code, as amended by Chapters 1160 (H.B. 3095) and 1336 (S.B. 52), Acts of the 81st Legislature, Regular Session, 2009, and amends it to provide that 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, the offense is punishable by a fine of not less than \$750 or more than \$1,000, rather than a fine of not less than \$500 or more than \$800, and 10 hours of community service.

SECTION 5. Reenacts Section 681.011(i), Transportation Code, as amended by Chapters 1160 (H.B. 3095) and 1336 (S.B. 52), Acts of the 81st Legislature, Regular Session, 2009, and amends it to provide that 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, the offense is punishable by a fine of not less than \$1,000 or more than \$1,250, rather than a fine of not less than \$550 or more than \$800, and not less than 20 or more than 30 hours of community service.

SECTION 6. Reenacts Section 681.011(j), Transportation Code, as amended by Chapters 1160 (H.B. 3095) and 1336 (S.B. 52), Acts of the 81st Legislature, Regular Session, 2009, and amends it to provide that 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, the offense is punishable by a fine of not less than \$1,250 or more than \$1,500, rather than a fine of not less than \$800 or more than \$1,100, and 50 hours of community service.

SECTION 7. Amends Section 681.011(k), Transportation Code, to provide that, if it is shown on the trial of an offense under this section that the person has been previously convicted four times of an offense under this section, the offense is punishable by a fine of \$1,500, rather than a fine of \$1,250, and 50 hours of community service.

SECTION 8. (a) Requires the Governor's Committee on People with Disabilities to conduct a study to examine the improper use of disabled parking spaces, with an emphasis on improper use at large buildings and facilities, including stadiums and performing arts centers.

(b) Requires the Governor's Committee on People with Disabilities, not later than December 31, 2012, to submit a written report containing the findings of the study conducted under this section together with the committee's recommendations to the legislature and the Texas Department of Licensing and Regulation.

SECTION 9. Makes application of the change in law made by this Act to Section 105.002, Occupations Code, prospective.

SECTION 10. Makes application of the change in law made by this Act to Section 681.011, Transportation Code, prospective.

SECTION 11. Effective date, except as otherwise provided by this Act: September 1, 2011.