

BILL ANALYSIS

Senate Research Center

S.B. 904
By: Springer
Transportation
5/26/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 3163 from the 86th Legislature changed the requirements for how accessible parking spaces are designated. Texas Department of Licensing and Registration (TDLR) made the changes in their requirements. However, TDLR only inspects 'new builds' for compliance. Thereby putting thousands of clearly marked accessible parking spaces under the old system, which are waiting to be updated, out of compliance.

As a result, local law enforcement no longer tickets vehicles parked in spaces intended for persons with disabilities because the parking spaces do not meet the current (new) standards. Thus allowing able-bodied adults to park in clearly marked accessible-only parking spaces. Some judges have stopped accepting citations for accessible parking violations if the space is not marked correctly using the new standards. By enacting a minimum enforcement standard that allows for both the old and new standards, the state can protect parking access for persons with disabilities.

S.B. 904 amends current law relating to the offense of the unauthorized use of parking designated 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 681.011, Transportation Code, by adding Subsections (f-1) and (f-2), as follows:

(f-1) Provides that it is not a defense to prosecution for an offense under Subsection (a) (relating to providing that a person commits an offense if the person takes certain actions) or (b) (relating to providing that a person commits an offense if the person stands a vehicle on which certain license plates are not displayed and a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities by certain entities) that the parking space or area designated specifically for persons with disabilities is not designated in compliance with the standards and specifications referred to in Section 681.009(b) (relating to requiring a political subdivision to designate a parking space or area by conforming to certain standards and specifications relating to the identification and dimensions of parking spaces for persons with disabilities) if the parking space or area is generally in compliance with those standards and specifications and is clearly distinguishable as being designated specifically for persons with disabilities.

(f-2) Authorizes a peace officer to issue a warning but prohibits the peace officer from issuing a citation for an offense under Subsection (a) or (b) to a person who stands a vehicle in a parking space or area designated specifically for persons with disabilities that does not have a parking space identification sign identifying the parking space in accordance with the requirements of the standards and specifications referred to in Section 681.009(b).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.