

By: Springer

S.B. No. 904

A BILL TO BE ENTITLED

AN ACT

relating to presumption for an offense to accessible parking.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 681.011, Transportation Code, is amended to read as follows: (a) A person commits an offense if:.

1. the person stands a vehicle on which are displayed license plates issued under Section 504.201 or 504.202(b-1) or a disabled parking placard in a parking space or area designated specifically for persons with disabilities by: deliver to the Attorney General all pertinent documents and information in the secretary's possession.

A. a political subdivision; or

B. 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); and

2. the standing of the vehicle in that parking space or area is not authorized by Section 681.006, 681.007, or 681.008.

(b) A person commits an offense if the person stands a vehicle on which license plates issued under Section 504.201 or 504.202(b-1) are not displayed and a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities by:

1           1. a political subdivision; or

2           2. a person who owns or controls private property used  
3 for parking as to which a political subdivision has provided for the  
4 application of this section under Subsection (f).

5           (c) A person commits an offense if the person stands a  
6 vehicle so that the vehicle blocks an architectural improvement  
7 designed to aid persons with disabilities, including an access  
8 aisle or curb ramp.

9           (d) A person commits an offense if the person lends a  
10 disabled parking placard issued to the person to a person who uses  
11 the placard in violation of this section.

12          (e) In a prosecution under this section, it is presumed that  
13 the registered owner of the motor vehicle is the person who left the  
14 vehicle standing at the time and place the offense occurred.

15          (f) A political subdivision may provide that this section  
16 applies to a parking space or area for persons with disabilities on  
17 private property that is designated in compliance with the  
18 identification requirements referred to in Section 681.009(b). The  
19 violation may not be dismissed for failure of the marking on the  
20 parking space to comply with Texas law if the space is in general  
21 compliance and is clearly distinguishable as a designated  
22 accessible parking space for people who have disabilities. Only a  
23 warning may be issued for unlawfully parking in a space designated  
24 for persons with disabilities if there is no above- grade sign as  
25 provided by law.

26          (g) Except as provided by Subsections (h)-(k), an offense  
27 under this section is a misdemeanor punishable by a fine of not less

1 than \$500 or more than \$750.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2023.