

By: Coleman

H.B. No. 761

Substitute the following for H.B. No. 761:

By: Harper-Brown

C.S.H.B. No. 761

A BILL TO BE ENTITLED

AN ACT

relating to certain offenses in connection with privileged parking.

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

SECTION 1. Section 681.001, Transportation Code, is amended by adding Subdivision (7) to read as follows:

(7) "Stand" or "standing" means to halt an occupied or unoccupied vehicle, other than temporarily while receiving or discharging passengers.

SECTION 2. Section 681.011, Transportation Code, is amended by amending Subsections (a)-(c), (e), and (m) to read as follows:

(a) A person commits an offense if:

(1) the person stands [~~parks~~] a vehicle on which are displayed license plates issued under Section 502.253 or 502.254 or a disabled parking placard in a parking space or area designated specifically for persons with disabilities by:

(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 [~~parking~~] 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:

1 (1) stands [~~parks~~] a vehicle on which license plates
2 issued under Section 502.253 or 502.254 are not displayed and a
3 disabled parking placard is not displayed in a parking space or area
4 designated specifically for individuals with disabilities by:

5 (A) a political subdivision; or

6 (B) a person who owns or controls private
7 property used for parking as to which a political subdivision has
8 provided for the application of this section under this Subsection
9 (f); or

10 (2) stands [~~parks~~] a vehicle displaying a white on red
11 shield disabled parking placard or license plates issued under
12 Section 502.253 in a space designated under Section 681.009(e) for
13 the exclusive use of vehicles displaying a white on blue shield
14 disabled parking placard.

15 (c) A person commits an offense if the person stands [~~parks~~]
16 a vehicle so that the vehicle blocks an architectural improvement
17 designed to aid persons with disabilities, including an access or
18 curb ramp.

19 (e) In a prosecution under this section, it is presumed that
20 the registered owner of the motor vehicle is the person who left
21 [~~parked~~] the vehicle standing at the time and place the offense
22 occurred.

23 (m) A person commits an offense if the person:

24 (1) stands [~~parks~~] a vehicle on which are displayed
25 license plates issued under Section 502.253 or a disabled parking
26 placard in a parking space or area for which this chapter creates an
27 exemption from payment of a fee or penalty imposed by a governmental

1 unit;

2 (2) does not have a disability;

3 (3) is not transporting a person with disability; and

4 (4) does not pay any applicable fee related to
5 standing [~~parking~~] in the space or area imposed by a governmental
6 unit or exceeds a limitation on the length of time for standing
7 [~~parking~~] in the space or area.

8 SECTION 3. (a) The change in law made by this Act applies
9 only to an offense committed on or after the effective date of this
10 Act. For purposes of this section, an offense is committed before
11 the effective date of this Act if any element of the offense occurs
12 before the effective date.

13 (b) An offense committed before the effective date of this
14 Act is covered by the law in effect when the offense was committed,
15 and the former law is continued in effect for that purpose.

16 SECTION 4. This Act takes effect September 1, 2003.