

By: Coleman

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 Subdivisions (7) and (8) to read as follows:

(7) "Park" or "parking" means to stand an occupied or unoccupied vehicle, other than temporarily while loading or unloading merchandise or passengers.

(8) "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 parks or stands 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 parking or standing of the vehicle in that

1 parking space or area is not authorized by Section 681.006,
2 681.007, or 681.008.

3 (b) A person commits an offense if the person:

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

8 (A) a political subdivision; or

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

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

18 (c) A person commits an offense if the person parks or
19 stands a vehicle so that the vehicle blocks an architectural
20 improvement designed to aid persons with disabilities, including an
21 access or curb ramp.

22 (e) In a prosecution under this section, it is presumed that
23 the registered owner of the motor vehicle is the person who parked
24 the vehicle or left the vehicle standing at the time and place the
25 offense occurred.

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

27 (1) parks or stands a vehicle on which are displayed

1 license plates issued under Section 502.253 or a disabled parking
2 placard in a parking space or area for which this chapter creates an
3 exemption from payment of a fee or penalty imposed by a governmental
4 unit;

5 (2) does not have a disability;

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

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

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

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

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