

## **BILL ANALYSIS**

C.S.H.B. 1255  
By: Coleman  
Transportation  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Fraudulent use of disabled parking placards is an increasing problem today. In the past, violators of disabled parking law were typically not using any tag at all. Today, it is becoming more and more common for violators to use a counterfeit tag or a legitimate tag, but one that belongs to another person. Because of this shift in the nature of the violation, enforcing the law in this area has become more labor intensive for law enforcement officers. CSHB 1255 increases the penalty for using another person's disabled parking tag and also for using a counterfeit tag. For the first of either offense, the penalty is a license suspension. The second time a person commits either offense, it becomes a Class B misdemeanor.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

Section 1 provides for an automatic driver's license suspension of a person convicted of their first offense under Section 681.011 (d) or 681.0111 (b) by amending Section 521.341, Transportation Code.

Section 2 provides that notwithstanding Transportation Code Section 681.011, Subsections (g) - (k), this Act makes the penalty for using another person's disabled parking placard a Class B misdemeanor upon conviction of the second or subsequent offense. It also makes a conforming change to exclude Subsection (d) from the fine provided by Subsection (g).

Section 3 raises the penalty in Section 681.0111 (c), Transportation Code for using a counterfeit disabled parking placard from a Class C to a Class B misdemeanor upon the conviction of a second or subsequent offense.

Section 4 applies this change in law only to offenses committed on or after the effective date of this Act.

Section 5 contains the effective date of this Act.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

CSHB 1255 modifies the original by adding the driver's license suspension for the first offense. The substitute adds new language to Sections 681.011 (d) and 681.0111 (c) of the original bill to provide that the offense is a Class B misdemeanor "if a person is convicted of a second or subsequent offense" under these subsections.