

By: Moreno of El Paso

H.B. No. 3054

A BILL TO BE ENTITLED

AN ACT

relating to parking of a motor vehicle operated by or for the transportation of a person with a disability; providing penalties.

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

SECTION 1. Subchapter B, Chapter 469, Government Code, is amended by adding Section 469.0525 to read as follows:

Sec. 469.0525. STUDY. After the publication of a federal census, the commission shall revise the standards, specifications, and other rules required by this chapter relating to parking of a motor vehicle operated by or for the transportation of a person with a disability.

SECTION 2. Section 504.201, Transportation Code, is amended by adding Subsection (h) to read as follows:

(h) The department by rule shall develop and implement a two-tiered license plate system similar to the two-tiered parking placard system in Section 681.002.

SECTION 3. Section 681.009, Transportation Code, is amended to read as follows:

Sec. 681.009. DESIGNATION OF PARKING SPACES [~~BY POLITICAL SUBDIVISION OR PRIVATE PROPERTY OWNER~~]. (a) This state, a [A] political subdivision of this state, and each other [~~or a~~] person who owns or controls property used for parking shall [~~may~~] designate one or more parking spaces or a parking area for the exclusive use of vehicles transporting persons with disabilities.

(b) This state, a [A] political subdivision of this state,  
and each other person who owns or controls property used for parking  
 must designate a parking space or area by conforming to the  
 standards and specifications adopted by the Texas Commission of  
 Licensing and Regulation under Section 469.052, Government Code  
~~[5(i), Article 9102, Revised Statutes]~~, relating to the  
 identification and dimensions of parking spaces for persons with  
 disabilities. ~~[A person who owns or controls private property used~~  
~~for parking may designate a parking space or area without~~  
~~conforming to those standards and specifications, unless required~~  
~~to conform by law.]~~

(c) ~~[A political subdivision may require a private property~~  
~~owner or a person who controls property used for parking.]~~

~~[(1) to designate one or more parking spaces or a~~  
~~parking area for the exclusive use of vehicles transporting persons~~  
~~with disabilities, or~~

~~[(2) to conform to the standards and specifications~~  
~~referred to in Subsection (b) when designating a parking space or~~  
~~area for persons with disabilities.]~~

~~[(d)]~~ The department shall provide at cost a design and  
 stencil for use by this state, a political subdivision of this  
state, or another person who owns or controls property used for  
 parking to designate spaces as provided by this section.

(d) At ~~[(e) A private property owner or private person who~~  
~~controls property used for parking and who designates one or more~~  
~~uncovered parking spaces for the exclusive use of vehicles~~  
~~transporting persons with disabilities shall assign at]~~ least half

1 of the ~~[those]~~ spaces designated under this section shall be  
 2 assigned for the exclusive use of vehicles displaying a white on  
 3 blue shield disabled parking placard, except that if an odd number  
 4 of spaces is designated, only the number of spaces that is the  
 5 largest whole number less than half of the number of designated  
 6 spaces must be assigned for the exclusive use of vehicles  
 7 displaying a white on blue shield placard. Van-accessible parking  
 8 spaces shall be counted as assigned spaces under this subsection.  
 9 These assigned spaces must be the spaces located closest to an  
 10 accessible route to an entrance accessible to a person with a  
 11 disability. The remaining designated parking spaces may be used by  
 12 vehicles displaying a white on blue shield disabled parking  
 13 placard, a white on red shield disabled parking placard, or white on  
 14 red shield license plates issued under Section 504.201 ~~[502.253]~~.  
 15 ~~[This subsection applies only to a property used for parking that~~  
 16 ~~serves a building or other facility.]~~

17 ~~[(1) that state law requires to be accessible to~~  
 18 ~~person with disabilities, and~~

19 ~~[(2) for which construction or an alteration of the~~  
 20 ~~building or other facility is completed on or after September 1,~~  
 21 ~~1999.]~~

22 SECTION 4. Sections 681.011(a), (b), and (m),  
 23 Transportation Code, are amended to conform to the repeal of  
 24 Sections 502.253 and 502.254 of that code and the enactment of  
 25 Sections 504.201 and 504.202 of that code by Chapter 1320, Acts of  
 26 the 78th Legislature, Regular Session, 2003, and further amended to  
 27 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 [~~502.253~~] or 504.202 [~~502.254~~] or a disabled parking placard in a parking space or area designated specifically for persons with disabilities, including a parking space or area designated 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 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) stands a vehicle on which license plates issued under Section 504.201 [~~502.253~~] or 504.202 [~~502.254~~] are not displayed and a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities, including a parking space or area designated 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 ~~[this]~~ Subsection (f); or

(2) stands a vehicle displaying a white on red shield disabled parking placard or white on red shield license plates issued under Section 504.201 [~~502.253~~] in a space designated under

1 Section 681.009(d) [~~681.009(e)~~] for the exclusive use of vehicles  
2 displaying a white on blue shield disabled parking placard or  
3 license plate.

4 (1) [~~(m)~~] A person commits an offense if the person:

5 (1) stands a vehicle on which are displayed license  
6 plates issued under Section 504.201 [~~502.253~~] or a disabled parking  
7 placard in a parking space or area for which this chapter creates an  
8 exemption from payment of a fee or penalty imposed by a governmental  
9 unit;

10 (2) does not have a disability;

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

12 (4) does not pay any applicable fee related to  
13 standing in the space or area imposed by a governmental unit or  
14 exceeds a limitation on the length of time for standing in the space  
15 or area.

16 SECTION 5. Not later than January 1, 2007, the Texas  
17 Commission of Licensing and Regulation shall:

18 (1) complete a study to determine the population in  
19 this state of persons with disabilities; and

20 (2) use the results of the study to establish the  
21 standards, specifications, and other rules required by Chapter 469,  
22 Government Code, relating to parking of a motor vehicle operated by  
23 or for the transportation of a person with a disability.

24 SECTION 6. (a) The change in law made by this Act applies  
25 only to an offense committed on or after the effective date of this  
26 Act. For purposes of this section, an offense is committed before  
27 the effective date of this Act if any element of the offense occurs

1 before the effective date.

2 (b) This Act applies only to a license plate for persons  
3 with disabilities for which an application is submitted on or after  
4 the effective date of this Act.

5 SECTION 7. This Act takes effect September 1, 2005.