

BILL ANALYSIS

C.S.H.B. 155
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Culture, Recreation & Tourism
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, motor vehicles are prohibited from operating in or on a protected freshwater area. A protected freshwater area is that portion of the bed, bottom, or bank of any navigable river or stream that lies at or below the gradient boundary of the river or stream. There is currently no exemption from this prohibition for an individual with a physical impairment that substantially limits one or more of the major life activities of the individual. The bill addresses the issue of access to rivers by the disabled.

C.S.H.B. 155 exempts a person who has a permanent physical disability that substantially impairs one or more of the major life activities of the person from the prohibition against operating a motor vehicle in or on a protected freshwater area.

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

C.S.H.B. 155 amends the Parks and Wildlife Code to exempt a person who has a permanent physical disability that substantially impairs one or more of the major life activities of the person from the prohibition against operating a motor vehicle in or on a protected freshwater area. The bill requires such a person to have in or on the motor vehicle used to access the protected freshwater area a disabled parking placard issued under state law or a license plate issued under provisions regarding persons with disabilities, requires the person to have in the person's possession a written statement from a licensed physician documenting the extent of the disability, and authorizes the person to operate the motor vehicle used to access the protected freshwater area only on a part of the protected freshwater area that is not covered by water and for ingress to the river or stream or, for the purpose of making a 180-degree turn for egress, within 100 feet of the point of entry to the river or stream in a direction parallel to the river or stream.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 155 differs from the original by exempting a person who has a permanent physical disability that substantially impairs one or more of the major life activities of the person from the prohibition against operating a motor vehicle in or on a protected freshwater area, whereas the original exempts an individual who has a physical impairment that substantially limits one or more of the major life activities of the individual from such prohibition. The substitute adds provisions not in the original requiring such a person to have in or on the motor vehicle used to

access the protected freshwater area a lawfully issued disabled parking placard or a license plate, requiring the person to have in the person's possession a written physician's statement documenting the extent of the disability, and authorizing the person to operate the motor vehicle used to access the protected freshwater area only on a part of the area that is not covered by water and for ingress to the river or stream or, for the purpose of making a 180-degree turn for egress, within 100 feet of the point of entry to the river or stream in a direction parallel to the river or stream.