

BILL ANALYSIS

C.S.H.B. 3095
By: Harless
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Following the 80th Legislature, Regular Session, 2007, Speaker Craddick directed the House Committee on Transportation to review Texas' disabled parking statutes. The committee made recommendations for changes in disabled parking designations, penalties for illegal use of disabled parking placards, and additional persons authorized to seize disabled parking placards.

C.S.H.B. 3095 makes changes to the laws relating to disabled parking to enact recommendations in the interim report of the House Committee on Transportation. Among other provisions, the bill increases the penalty for a second, third, fourth, and fifth offense relating to misuse of disabled parking placards or spaces.

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. 3095 amends the Transportation Code to establish that a white-on-blue-shield disabled parking placard is issued to a person with a permanent disability, rather than a mobility disability described by law, and a white-on-red-shield disabled parking placard is issued to a person with a temporary disability, rather than any other permanent or temporary disability. The bill specifies that the law requiring an application for a disabled parking placard to be accompanied by a fee of \$5 is if the application is for a temporary placard. The bill establishes that parking spaces or areas designated for the exclusive use of vehicles transporting persons with disabilities may be used by vehicles displaying a white-on-blue-shield disabled parking placard, license plates issued to persons with disabilities, or a white-on-red-shield disabled parking placard and removes requirements for assigning designated parking for the exclusive use of vehicles displaying a white-on-blue-shield placard, license plates issued to persons with disabilities, or a white-on-red-shield placard. The bill makes a conforming change relating to the offense of standing a vehicle displaying a white-on-red-shield disabled parking placard in a space designated for the exclusive use of vehicles displaying a white-on-blue-shield placard.

C.S.H.B. 3095 enhances the penalty for an offense relating to misuse of parking placards or spaces for persons with disabilities. The bill establishes that such an offense is punishable by a fine and community-service hours as follows:

	Current Law	C.S.H.B. 3095
First Offense	a fine of not less than \$250 or more than \$500	same as current law
Second Offense	a fine of not less than \$300 or more than \$600	a fine of not less than \$500 or more than \$800 and 10 hours of community service
Third Offense	a fine of not less than \$300 or more than \$600 and not less than 10 or more than 20 hours of community service	a fine of not less than \$550 or more than \$800 and 20 hours of community service
Fourth Offense	a fine of not less than \$500 or more than \$1,000 and not less than 20 hours or more than 50 hours of community service	a fine of not less than \$800 or more than \$1,100 and 30 hours of community service
Fifth Offense	a fine of \$1,000 and 50 hours of community service	a fine of \$1,250 and 50 hours of community service

C.S.H.B. 3095 authorizes a peace officer to seize a disabled parking placard from a person who operates a vehicle on which a disabled parking placard is displayed if the peace officer determines by inspecting the person's driver's license or personal identification certificate that the disabled parking placard does not contain the first four digits of the driver's license number or personal identification certificate number and the initials of the person operating the vehicle or a person being transported by the vehicle. The bill requires a peace officer to submit each seized parking placard to the Texas Department of Transportation not later than the fifth day after the seizure. The bill makes a conforming change relating to the revocation of a disabled parking placard.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3095 adds a provision not in the original to specify that the law requiring an application for a disabled parking placard to be accompanied by a fee of \$5 is if the application is for a temporary placard.

C.S.H.B. 3095 removes a provision in the original requiring the design provided by the Texas Department of Transportation for designation of privileged parking spaces by a political subdivision or private property owner to include a sign with a blue background.

C.S.H.B. 3095 modifies the penalties established in the original for an offense relating to misuse of parking placards or spaces for persons with disabilities as follows: The substitute imposes a fine for a first offense of not less than \$250 or more than \$500, whereas the original imposes a fine of not less than \$500 or more than \$750; the substitute imposes community service and a fine for a second offense of not less than \$500 or more than \$800, whereas the original imposes community service and a fine of not less than \$550 or more than \$800; the substitute imposes a fine and 20 hours of community service for a third offense, whereas the original imposes a fine

and not less than 20 or more than 30 hours of community service; and the substitute imposes a fine and 30 hours of community service for a fourth offense, whereas the original imposes a fine and 50 hours of community service. The substitute adds a provision not in the original to increase the fine for a fifth offense from \$1,000 to \$1,250.

C.S.H.B. 3095 grants authority relating to the seizure of a disabled parking placard to a peace officer, rather than a person designated by a political subdivision to enforce parking regulations as in the original. The substitute adds a provision not in the original to specify that a peace officer makes a determination on the seizure of disabled parking placard by inspecting a person's driver's license or personal identification certificate.