

BILL ANALYSIS

C.S.S.B. 52
By: Zaffirini
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Surveys conducted in major Texas cities indicate that between 30 and 65 percent of vehicles parked at meters or in accessible parking spots designated for persons with disabilities at any given time are illegally parked. This not only inconveniences persons with disabilities, but also has the potential to result in harm to such persons.

C.S.S.B. 52 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. C.S.S.B. 52 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.S.B. 52
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

SECTION 2. C.S.S.B. 52 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

C.S.S.B. 52 81(R)

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.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.

EFFECTIVE DATE

September 1, 2009

COMPARISON OF ORIGINAL TO SUBSTITUTE

The committee substitute adds a provision that 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 committee substitute 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 committee substitute makes a conforming change relating to the revocation of a disabled parking placard.

The committee substitute eliminates the increased fine for the first offense relating to misuse of parking placards or spaces for persons with disabilities in the original version of the bill.

The original raises the number of hours of community service to which an offender can be sentenced if the offender has previously been convicted two times of an offense relating to misuse of parking placards or spaces for persons with disabilities from 10 hours to a range of 20 to 30 hours; the substitute raises the number of hours of community service to which an offender can be sentenced to 20 hours.

The original raises the number of hours of community service to which an offender can be sentenced if the offender has previously been convicted three times of an offense relating to misuse of parking placards or spaces for persons with disabilities from 20 hours to 50 hours; the substitute raises the number of hours of community service to which an offender can be sentenced to 30 hours.

The substitute adds a provision raising the fine to \$1,250 if the offender has previously been convicted four times of an offense relating to misuse of parking placards or spaces for persons with disabilities.