

By: Gutierrez

H.B. No. 155

A BILL TO BE ENTITLED

1 AN ACT
2 relating to access to rivers and riverbeds for individuals with
3 physical disabilities.

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

5 SECTION 1. This Act may be cited as the Matthew Dukes Act.

6 SECTION 2. Section 90.003, Parks and Wildlife Code, is
7 amended by amending Subsection (a) and adding Subsection (d) to
8 read as follows:

9 (a) Section 90.002 does not apply to:

- 10 (1) a state, county, or municipal road right-of-way;
- 11 (2) a private road crossing established on or before
12 December 31, 2003; or
- 13 (3) operation of a motor vehicle by:
- 14 (A) a federal, state, or local government
15 employee if operation of a motor vehicle is necessary for
16 conducting official business;
- 17 (B) a person if operation of a motor vehicle is
18 necessary for reasonable purposes related to usual and customary
19 agricultural activities;
- 20 (C) a person if operation of a motor vehicle is
21 necessary to and is authorized by a mineral lease;
- 22 (D) a person if operation of a motor vehicle is
23 necessary to and authorized by a crossing easement granted by the
24 General Land Office under the Natural Resources Code;

1 (E) a person if operation of a motor vehicle is
2 necessary to an activity authorized by Chapter 86;

3 (F) a person in response to an emergency;

4 (G) a person if operation of a motor vehicle is
5 necessary for the lawful construction, operation, or maintenance of
6 equipment, facilities, or structures used for:

7 (i) the production, transportation,
8 transmission, or distribution of electric power;

9 (ii) the provision of telecommunications
10 services or other services delivered through a cable system;

11 (iii) the transportation of aggregates,
12 oil, natural gas, coal, or any product of oil, natural gas, or coal;

13 (iv) the production, treatment, or
14 transportation of water or wastewater; or

15 (v) dredge material disposal placement;

16 (H) an owner of the uplands adjacent to a
17 protected freshwater area, the owner's agent, lessee, sublessee, or
18 the lessee or sublessee's agent, representative, licensee,
19 invitee, or guest for reasonable purposes related to usual and
20 customary operation of:

21 (i) a camp regulated under Chapter 141,
22 Health and Safety Code; or

23 (ii) a retreat facility owned and operated
24 by a nonprofit corporation chartered under the laws of this state
25 before January 1, 1970; [~~or~~]

26 (I) an owner of the adjacent uplands on both
27 sides of a protected freshwater area and the owner's agents,

1 employees, representatives, and lessees only for the purpose of
2 accessing the owner's property on the opposite side of the
3 protected freshwater area when no reasonable alternate access is
4 available; or

5 (J) subject to Subsection (d), a person who has a
6 permanent physical disability that substantially impairs one or
7 more of the major life activities of the person.

8 (d) A person described by Subsection (a)(3)(J):

9 (1) must have in or on the motor vehicle used to access
10 the protected freshwater area:

11 (A) a disabled parking placard issued under
12 Section 681.002, Transportation Code; or

13 (B) a license plate issued under Section 504.201,
14 Transportation Code;

15 (2) must have in the person's possession a written
16 statement from a licensed physician documenting the extent of the
17 disability; and

18 (3) may operate the motor vehicle used to access the
19 protected freshwater area only:

20 (A) on a part of the protected freshwater area
21 that is not covered by water; and

22 (B) for ingress to or egress from the protected
23 freshwater area or, for the purpose of making a 180-degree turn for
24 egress, within 100 feet upstream or downstream from the point of
25 ingress.

26 SECTION 3. This Act takes effect September 1, 2009.