

By: Gutierrez

H.B. No. 155

Substitute the following for H.B. No. 155:

By: Thibaut

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

8 (a) Section 90.002 does not apply to:

9 (1) a state, county, or municipal road right-of-way;

10 (2) a private road crossing established on or before
11 December 31, 2003; or

12 (3) operation of a motor vehicle by:

13 (A) a federal, state, or local government
14 employee if operation of a motor vehicle is necessary for
15 conducting official business;

16 (B) a person if operation of a motor vehicle is
17 necessary for reasonable purposes related to usual and customary
18 agricultural activities;

19 (C) a person if operation of a motor vehicle is
20 necessary to and is authorized by a mineral lease;

21 (D) a person if operation of a motor vehicle is
22 necessary to and authorized by a crossing easement granted by the
23 General Land Office under the Natural Resources Code;

24 (E) a person if operation of a motor vehicle is

1 necessary to an activity authorized by Chapter 86;

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

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

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

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

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

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

14 (v) dredge material disposal placement;

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

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

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

25 (I) an owner of the adjacent uplands on both
26 sides of a protected freshwater area and the owner's agents,
27 employees, representatives, and lessees only for the purpose of

1 accessing the owner's property on the opposite side of the
2 protected freshwater area when no reasonable alternate access is
3 available; or

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

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

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

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

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

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

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

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

21 (B) for ingress to the river or stream or, for the
22 purpose of making a 180-degree turn for egress, within 100 feet of
23 the point of entry to the river or stream in a direction parallel to
24 the river or stream.

25 SECTION 2. This Act takes effect September 1, 2009.