

By: Herrero

H.B. No. 400

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the dismissal of a charge of unlawfully parking a  
3 vehicle in a space designated specifically for persons with  
4 disabilities.

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

6 SECTION 1. Chapter 681, Transportation Code, is amended by  
7 adding Section 681.013 to read as follows:

8 Sec. 681.013. DISMISSAL OF CHARGE; ADMINISTRATIVE FEE. (a)  
9 In this section, "working day" means any day other than a Saturday,  
10 a Sunday, or a holiday on which county offices are closed.

11 (b) The court shall:

12 (1) dismiss a charge for an offense under Section  
13 681.011(b)(1) if:

14 (A) the vehicle displayed a disabled parking  
15 placard that was not valid as expired;

16 (B) the defendant remedies the defect by renewing  
17 the expired disabled parking placard within 20 working days from  
18 the date of the offense or before the defendant's first court  
19 appearance date, whichever is later; and

20 (C) the disabled parking placard has not been  
21 expired for more than 60 days; and

22 (2) assess an administrative fee not to exceed \$20  
23 when the charge has been remedied.

24 (c) Notwithstanding Subsection (b)(1)(C), the court may

1 dismiss a charge of unlawfully parking a vehicle in a space  
2 designated specifically for persons with disabilities, if at the  
3 time of the offense the defendant's vehicle displays a disabled  
4 parking placard that has been expired for more than 60 days.

5         SECTION 2. The change in law made by this Act applies only  
6 to an offense committed on or after the effective date of this Act.  
7 An offense committed before the effective date of this Act is  
8 governed by the law in effect when the offense was committed, and  
9 the former law is continued in effect for that purpose. For  
10 purposes of this section, an offense was committed before the  
11 effective date of this Act if any element of the offense was  
12 committed before that date.

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