

1-1 By: Herrero (Senate Sponsor - Hinojosa) H.B. No. 400  
1-2 (In the Senate - Received from the House March 30, 2009;  
1-3 April 27, 2009, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 21, 2009, reported  
1-5 favorably by the following vote: Yeas 8, Nays 0; May 21, 2009, sent  
1-6 to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the dismissal of a charge of unlawfully parking a  
1-10 vehicle in a space designated specifically for persons with  
1-11 disabilities.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 681, Transportation Code, is amended by  
1-14 adding Section 681.013 to read as follows:

1-15 Sec. 681.013. DISMISSAL OF CHARGE; ADMINISTRATIVE FEE. (a)  
1-16 In this section, "working day" means any day other than a Saturday,  
1-17 a Sunday, or a holiday on which county offices are closed.

1-18 (b) The court shall:

1-19 (1) dismiss a charge for an offense under Section  
1-20 681.011(b)(1) if:

1-21 (A) the vehicle displayed a disabled parking  
1-22 placard that was not valid as expired;

1-23 (B) the defendant remedies the defect by renewing  
1-24 the expired disabled parking placard within 20 working days from  
1-25 the date of the offense or before the defendant's first court  
1-26 appearance date, whichever is later; and

1-27 (C) the disabled parking placard has not been  
1-28 expired for more than 60 days; and

1-29 (2) assess an administrative fee not to exceed \$20  
1-30 when the charge has been remedied.

1-31 (c) Notwithstanding Subsection (b)(1)(C), the court may  
1-32 dismiss a charge of unlawfully parking a vehicle in a space  
1-33 designated specifically for persons with disabilities, if at the  
1-34 time of the offense the defendant's vehicle displays a disabled  
1-35 parking placard that has been expired for more than 60 days.

1-36 SECTION 2. The change in law made by this Act applies only  
1-37 to an offense committed on or after the effective date of this Act.  
1-38 An offense committed before the effective date of this Act is  
1-39 governed by the law in effect when the offense was committed, and  
1-40 the former law is continued in effect for that purpose. For  
1-41 purposes of this section, an offense was committed before the  
1-42 effective date of this Act if any element of the offense was  
1-43 committed before that date.

1-44 SECTION 3. This Act takes effect September 1, 2009.

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