

By: Lucio III

H.B. No. 971

A BILL TO BE ENTITLED

AN ACT

relating to the wheelchair accessibility of new or renovated park playgrounds to children with disabilities.

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

SECTION 1. Title 3, Parks and Wildlife Code, is amended by adding Chapter 27 to read as follows:

CHAPTER 27. PROVISIONS APPLICABLE TO PARKS IN THIS STATE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 27.001. DEFINITION. In this chapter, "political subdivision" means a county, municipality, special district, river authority, or other governmental entity created under the authority of the state or a county or municipality.

Sec. 27.002. APPLICABILITY. Except as otherwise provided by this chapter, this chapter applies to a land or water park that is owned, operated, or maintained by this state or a political subdivision of this state.

[Sections 27.003-27.020 reserved for expansion]

SUBCHAPTER B. PLAY AREAS IN PARKS

Sec. 27.021. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a park in which after December 31, 2009:

- (1) a playground is newly constructed; or
- (2) at least 50 percent of a playground's equipment or facilities are renovated.

Sec. 27.022. ACCESSIBILITY OF PLAYGROUNDS. (a) A park

1 subject to this subchapter must have a wheelchair-accessible
2 surface wide enough for two wheelchairs to pass that connects the
3 parking area to each playground in the park.

4 (b) At least 25 percent of the play equipment in a
5 playground subject to this subchapter must be wheelchair
6 accessible.

7 Sec. 27.023. GUIDELINES TO ASSIST IN PARK DEVELOPMENT AND
8 MAINTENANCE. (a) The commission by rule may adopt guidelines
9 designed to assist an entity that develops or maintains a park in
10 the purchase, design, construction, or installation of
11 wheelchair-accessible surfaces and equipment.

12 (b) Before adopting guidelines under this section, the
13 commission must consult with the Department of Aging and Disability
14 Services or another qualified person for advice on surface
15 materials and the design, construction, and installation of
16 pathways and equipment that are appropriate for providing
17 wheelchair accessibility.

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