

By: Harless

H.B. No. 3095

Substitute the following for H.B. No. 3095:

By: Pickett

C.S.H.B. No. 3095

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the use of a parking space or area designated  
3 specifically for persons with disabilities.

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

5 SECTION 1. Section 681.002(b), Transportation Code, is  
6 amended to read as follows:

7 (b) A disabled parking placard must be two-sided and hooked  
8 and include on each side:

9 (1) the international symbol of access, which must be  
10 at least three inches in height, be centered on the placard, and be:

11 (A) white on a blue shield for a placard issued to  
12 a person with a permanent ~~[mobility]~~ disability ~~[described by~~  
13 ~~Section 681.001(5)(B) or (C)]~~; or

14 (B) white on a red shield for a placard issued to  
15 a person with a temporary ~~[any other permanent or]~~ temporary disability;

16 (2) an identification number;

17 (3) an expiration date at least three inches in  
18 height; and

19 (4) the seal or other identification of the  
20 department.

21 SECTION 2. Section 681.003(b), Transportation Code, is  
22 amended to read as follows:

23 (b) An application for a disabled parking placard must be:

24 (1) on a form furnished by the department;

1 (2) submitted to the county assessor-collector of the  
2 county in which the person with the disability resides; and

3 (3) accompanied by a fee of \$5 if the application is  
4 for a temporary placard.

5 SECTION 3. Section 681.009(e), Transportation Code, is  
6 amended to read as follows:

7 (e) Parking [~~A private property owner or private person who~~  
8 ~~controls property used for parking and who designates one or more~~  
9 ~~uncovered parking]~~ spaces or areas designated for the exclusive use  
10 of vehicles transporting persons with disabilities may be used by  
11 [~~shall assign at least half of those spaces for the exclusive use~~  
12 ~~of]~~ vehicles displaying a white on blue shield disabled parking  
13 placard, [~~or~~] license plates issued under Section 504.201 or  
14 504.202, or [~~except that if an odd number of spaces is designated,~~  
15 ~~only the number of spaces that is the largest whole number less than~~  
16 ~~half of the number of designated spaces must be assigned for the~~  
17 ~~exclusive use of vehicles displaying a white on blue shield placard~~  
18 ~~or license plates issued under Section 504.202. Van-accessible~~  
19 ~~parking spaces shall be counted as assigned spaces under this~~  
20 ~~subsection. These assigned spaces must be the spaces located~~  
21 ~~closest to an accessible route to an entrance accessible to a person~~  
22 ~~with a disability. The remaining designated parking spaces may be~~  
23 ~~used by vehicles displaying a white on blue shield disabled parking~~  
24 ~~placard,~~] a white on red shield disabled parking placard[~~, license~~  
25 ~~plates issued under Section 504.201, or license plates issued under~~  
26 ~~Section 504.202. This subsection applies only to a property used~~  
27 ~~for parking that serves a building or other facility:~~

1           ~~[(1) that state law requires to be accessible to~~  
2 ~~person with disabilities; and~~

3           ~~[(2) for which construction or an alteration of the~~  
4 ~~building or other facility is completed on or after September 1,~~  
5 ~~1999].~~

6           SECTION 4. Sections 681.011(b), (g), (h), (i), (j), and  
7 (k), Transportation Code, are amended to read as follows:

8           (b) A person commits an offense if the person[+]

9           ~~[(1)]~~ stands a vehicle on which license plates issued  
10 under Section 504.201 or 504.202 are not displayed and a disabled  
11 parking placard is not displayed in a parking space or area  
12 designated specifically for individuals with disabilities by:

13           (1) ~~[(A)]~~ a political subdivision; or

14           (2) ~~[(B)]~~ a person who owns or controls private  
15 property used for parking as to which a political subdivision has  
16 provided for the application of this section under ~~[this]~~  
17 Subsection (f) ~~[, or~~

18           ~~[(2) stands a vehicle displaying a white on red shield~~  
19 ~~disabled parking placard or license plates issued under Section~~  
20 ~~504.201 in a space designated under Section 681.009(e) for the~~  
21 ~~exclusive use of vehicles displaying a white on blue shield~~  
22 ~~disabled parking placard or license plates issued under Section~~  
23 ~~504.202].~~

24           (g) Except as provided by Subsections (h)-(k), an offense  
25 under this section is a misdemeanor punishable by a fine of not less  
26 than \$250 or more than \$500.

27           (h) If it is shown on the trial of an offense under this

1 section that the person has been previously convicted one time of an  
2 offense under this section, the offense is punishable by:

3 (1) a fine of not less than \$500 [~~\$300~~] or more than  
4 \$800; and

5 (2) 10 hours of community service [~~\$600~~].

6 (i) If it is shown on the trial of an offense under this  
7 section that the person has been previously convicted two times of  
8 an offense under this section, the offense is punishable by:

9 (1) a fine of not less than \$550 [~~\$300~~] or more than  
10 \$800 [~~\$600~~]; and

11 (2) [~~not less than 10 or more than~~] 20 hours of  
12 community service.

13 (j) If it is shown on the trial of an offense under this  
14 section that the person has been previously convicted three times  
15 of an offense under this section, the offense is punishable by:

16 (1) a fine of not less than \$800 [~~\$500~~] or more than  
17 \$1,100 [~~\$1,000~~]; and

18 (2) 30 [~~not less than 20 or more than 50~~] hours of  
19 community service.

20 (k) If it is shown on the trial of an offense under this  
21 section that the person has been previously convicted four times of  
22 an offense under this section, the offense is punishable by a fine  
23 of \$1,250 [~~\$1,000~~] and 50 hours of community service.

24 SECTION 5. Section 681.012, Transportation Code, is amended  
25 by adding Subsections (a-1) and (a-2) and amending Subsection (b)  
26 to read as follows:

27 (a-1) A peace officer may seize a disabled parking placard

1 from a person who operates a vehicle on which a disabled parking  
2 placard is displayed if the peace officer determines by inspecting  
3 the person's driver's license or personal identification  
4 certificate that the disabled parking placard does not contain the  
5 first four digits of the driver's license number or personal  
6 identification certificate number and the initials of:

7           (1) the person operating the vehicle; or

8           (2) a person being transported by the vehicle.

9           (a-2) A peace officer shall submit each seized parking  
10 placard to the department not later than the fifth day after the  
11 seizure.

12           (b) On submission to the department under Subsection (a) or  
13 (a-2), a placard is revoked. On request of the person from whom the  
14 placard was seized, the department shall conduct a hearing and  
15 determine whether the revocation should continue or the placard  
16 should be returned to the person and the revocation rescinded.

17           SECTION 6. A disabled parking placard issued before the  
18 effective date of this Act is governed by the law as it existed  
19 immediately before the effective date of this Act, and that law is  
20 continued in effect for that purpose.

21           SECTION 7. (a) The change in law made by this Act applies  
22 only to an offense committed on or after September 1, 2009.

23           (b) An offense committed before September 1, 2009, is  
24 covered by the law in effect when the offense was committed, and the  
25 former law is continued in effect for that purpose. For the  
26 purposes of this subsection, an offense was committed before  
27 September 1, 2009, if any element of the offense was committed

1 before that date.

2 SECTION 8. This Act takes effect September 1, 2009.