

By: Harless

H.B. No. 3095

A BILL TO BE ENTITLED

AN ACT

relating to the use of a parking space or area designated specifically for persons with disabilities.

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

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

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

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

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

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

(2) an identification number;

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

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

SECTION 2. Section 681.009, Transportation Code, is amended by adding Subsection (d-1) and amending Subsection (e) to read as follows:

(d-1) The design provided by the department under

1 Subsection (d) must include a sign with a blue background.

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

23 [~~(1) that state law requires to be accessible to~~
24 ~~person with disabilities, and~~

25 [~~(2) for which construction or an alteration of the~~
26 ~~building or other facility is completed on or after September 1,~~
27 ~~1999].~~

1 SECTION 3. Sections 681.011(b), (g), (h), (i), and (j),
2 Transportation Code, are amended to read as follows:

3 (b) A person commits an offense if the person[+
4 ~~(1)~~] stands a vehicle on which license plates issued
5 under Section 504.201 or 504.202 are not displayed and a disabled
6 parking placard is not displayed in a parking space or area
7 designated specifically for individuals with disabilities by:

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

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

13 ~~[(2) stands a vehicle displaying a white on red shield~~
14 ~~disabled parking placard or license plates issued under Section~~
15 ~~504.201 in a space designated under Section 681.009(e) for the~~
16 ~~exclusive use of vehicles displaying a white on blue shield~~
17 ~~disabled parking placard or license plates issued under Section~~
18 ~~504.202].~~

19 (g) Except as provided by Subsections (h)-(k), an offense
20 under this section is a misdemeanor punishable by a fine of not less
21 than \$500 ~~[\$250]~~ or more than \$750 ~~[\$500]~~.

22 (h) If it is shown on the trial of an offense under this
23 section that the person has been previously convicted one time of an
24 offense under this section, the offense is punishable by:

25 (1) a fine of not less than \$550 ~~[\$300]~~ or more than
26 \$800; and

27 (2) 10 hours of community service ~~[\$600]~~.

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

4 (1) a fine of not less than \$550 [~~\$300~~] or more than
5 \$800 [~~\$600~~]; and

6 (2) not less than 20 [~~10~~] or more than 30 [~~20~~] hours of
7 community service.

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

11 (1) a fine of not less than \$800 [~~\$500~~] or more than
12 \$1,100 [~~\$1,000~~]; and

13 (2) [~~not less than 20 or more than~~] 50 hours of of
14 community service.

15 SECTION 4. Section 681.012, Transportation Code, is amended
16 by adding Subsections (a-1) and (a-2) and amending Subsection (b)
17 to read as follows:

18 (a-1) A person designated by a political subdivision to
19 enforce parking regulations may seize a disabled parking placard
20 from a person who operates a vehicle on which a disabled parking
21 placard is displayed if the person designated by the political
22 subdivision determines that the disabled parking placard does not
23 contain the first four digits of the driver's license number and the
24 initials of:

25 (1) the person operating the vehicle; or

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

27 (a-2) A person designated by a political subdivision to

1 enforce parking regulations shall submit each seized parking
2 placard to the department not later than the fifth day after the
3 seizure.

4 (b) On submission to the department under Subsection (a) or
5 (a-2), a placard is revoked. On request of the person from whom the
6 placard was seized, the department shall conduct a hearing and
7 determine whether the revocation should continue or the placard
8 should be returned to the person and the revocation rescinded.

9 SECTION 5. A disabled parking placard issued before the
10 effective date of this Act is governed by the law as it existed
11 immediately before the effective date of this Act, and that law is
12 continued in effect for that purpose.

13 SECTION 6. (a) The change in law made by this Act applies
14 only to an offense committed on or after September 1, 2009.

15 (b) An offense committed before September 1, 2009, is
16 covered by the law in effect when the offense was committed, and the
17 former law is continued in effect for that purpose. For the
18 purposes of this subsection, an offense was committed before
19 September 1, 2009, if any element of the offense was committed
20 before that date.

21 SECTION 7. This Act takes effect September 1, 2009.