

1-1 By: Harless (Senate Sponsor - Watson) H.B. No. 3095  
1-2 (In the Senate - Received from the House May 11, 2009;  
1-3 May 11, 2009, read first time and referred to Committee on  
1-4 Transportation and Homeland Security; May 23, 2009, reported  
1-5 adversely, with favorable Committee Substitute by the following  
1-6 vote: Yeas 9, Nays 0; May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3095 By: Watson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the use of a parking space or area designated  
1-11 specifically for persons with disabilities.

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

1-13 SECTION 1. Section 681.002(b), Transportation Code, is  
1-14 amended to read as follows:

1-15 (b) A disabled parking placard must be two-sided and hooked  
1-16 and include on each side:

1-17 (1) the international symbol of access, which must be  
1-18 at least three inches in height, be centered on the placard, and be:

1-19 (A) white on a blue shield for a placard issued to  
1-20 a person with a permanent [mobility] disability [~~described by~~  
1-21 ~~Section 681.001(5)(B) or (C)~~]; or

1-22 (B) white on a red shield for a placard issued to  
1-23 a person with a [~~any other permanent or~~] temporary disability;

1-24 (2) an identification number;

1-25 (3) an expiration date at least three inches in  
1-26 height; and

1-27 (4) the seal or other identification of the  
1-28 department.

1-29 SECTION 2. Section 681.003(b), Transportation Code, is  
1-30 amended to read as follows:

1-31 (b) An application for a disabled parking placard must be:

1-32 (1) on a form furnished by the department;

1-33 (2) submitted to the county assessor-collector of the  
1-34 county in which the person with the disability resides; and

1-35 (3) accompanied by a fee of \$5 if the application is  
1-36 for a temporary placard.

1-37 SECTION 3. Section 681.009(e), Transportation Code, is  
1-38 amended to read as follows:

1-39 (e) Parking [A private property owner or private person who  
1-40 controls property used for parking and who designates one or more  
1-41 uncovered parking] spaces or areas designated for the exclusive use

1-42 of vehicles transporting persons with disabilities may be used by  
1-43 [shall assign at least half of those spaces for the exclusive use  
1-44 of] vehicles displaying a white on blue shield disabled parking

1-45 placard, [or] license plates issued under Section 504.201 or  
1-46 504.202, or [except that if an odd number of spaces is designated,

1-47 only the number of spaces that is the largest whole number less than  
1-48 half of the number of designated spaces must be assigned for the

1-49 exclusive use of vehicles displaying a white on blue shield placard  
1-50 or license plates issued under Section 504.202. Van-accessible

1-51 parking spaces shall be counted as assigned spaces under this  
1-52 subsection. These assigned spaces must be the spaces located

1-53 closest to an accessible route to an entrance accessible to a person  
1-54 with a disability. The remaining designated parking spaces may be

1-55 used by vehicles displaying a white on blue shield disabled parking  
1-56 placard,] a white on red shield disabled parking placard[, license

1-57 plates issued under Section 504.201, or license plates issued under  
1-58 Section 504.202. This subsection applies only to a property used

1-59 for parking that serves a building or other facility:

1-60 [(1) that state law requires to be accessible to  
1-61 person with disabilities; and

1-62 [(2) for which construction or an alteration of the  
1-63 building or other facility is completed on or after September 1,

2-1 1999].  
2-2 SECTION 4. Sections 681.011(b), (g), (h), (i), (j), and  
2-3 (k), Transportation Code, are amended to read as follows:

2-4 (b) A person commits an offense if the person[+  
2-5 [~~1~~] stands a vehicle on which license plates issued  
2-6 under Section 504.201 or 504.202 are not displayed and a disabled  
2-7 parking placard is not displayed in a parking space or area  
2-8 designated specifically for individuals with disabilities by:

2-9 (1) [~~A~~] a political subdivision; or  
2-10 (2) [~~B~~] a person who owns or controls private  
2-11 property used for parking as to which a political subdivision has  
2-12 provided for the application of this section under [~~this~~]  
2-13 Subsection (f) [~~or~~

2-14 [~~2) stands a vehicle displaying a white on red shield  
2-15 disabled parking placard or license plates issued under Section  
2-16 504.201 in a space designated under Section 681.009(e) for the  
2-17 exclusive use of vehicles displaying a white on blue shield  
2-18 disabled parking placard or license plates issued under Section  
2-19 504.202].~~

2-20 (g) Except as provided by Subsections (h)-(k), an offense  
2-21 under this section is a misdemeanor punishable by a fine of not less  
2-22 than \$500 [~~\$250~~] or more than \$750 [~~\$500~~].

2-23 (h) If it is shown on the trial of an offense under this  
2-24 section that the person has been previously convicted one time of an  
2-25 offense under this section, the offense is punishable by:

2-26 (1) a fine of not less than \$550 [~~\$300~~] or more than  
2-27 \$800; and  
2-28 (2) 10 hours of community service [~~\$600~~].

2-29 (i) If it is shown on the trial of an offense under this  
2-30 section that the person has been previously convicted two times of  
2-31 an offense under this section, the offense is punishable by:

2-32 (1) a fine of not less than \$550 [~~\$300~~] or more than  
2-33 \$800 [~~\$600~~]; and  
2-34 (2) not less than 20 [~~10~~] or more than 30 [~~20~~] hours of  
2-35 community service.

2-36 (j) If it is shown on the trial of an offense under this  
2-37 section that the person has been previously convicted three times  
2-38 of an offense under this section, the offense is punishable by:

2-39 (1) a fine of not less than \$800 [~~\$500~~] or more than  
2-40 \$1,100 [~~\$1,000~~]; and  
2-41 (2) [~~not less than 20 or more than~~] 50 hours of  
2-42 community service.

2-43 (k) If it is shown on the trial of an offense under this  
2-44 section that the person has been previously convicted four times of  
2-45 an offense under this section, the offense is punishable by a fine  
2-46 of \$1,250 [~~\$1,000~~] and 50 hours of community service.

2-47 SECTION 5. A disabled parking placard issued before the  
2-48 effective date of this Act is governed by the law as it existed  
2-49 immediately before the effective date of this Act, and that law is  
2-50 continued in effect for that purpose.

2-51 SECTION 6. (a) The change in law made by this Act applies  
2-52 only to an offense committed on or after September 1, 2009.

2-53 (b) An offense committed before September 1, 2009, is  
2-54 covered by the law in effect when the offense was committed, and the  
2-55 former law is continued in effect for that purpose. For the  
2-56 purposes of this subsection, an offense was committed before  
2-57 September 1, 2009, if any element of the offense was committed  
2-58 before that date.

2-59 SECTION 7. This Act takes effect September 1, 2009.

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