

By: King of Zavala

H.B. No. 4349

A BILL TO BE ENTITLED

AN ACT

relating to certification of a person as eligible for disabled parking privileges.

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

SECTION 1. Section 681.001(5), Transportation Code, is amended to read as follows:

(5) "Mobility problem that substantially impairs a person's ability to ambulate" means that the person:

(A) cannot walk 200 feet without stopping to rest;

(B) cannot walk without the use of or assistance from an assistance device, including a brace, a cane, a crutch, another person, or a prosthetic device;

(C) cannot ambulate without a wheelchair or similar device;

(D) is restricted by lung disease to the extent that the person's forced respiratory expiratory volume for one second, measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest;

(E) uses portable oxygen;

(F) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American

1 Heart Association;

2 (G) is severely limited in the ability to walk
3 because of an arthritic, neurological, or orthopedic condition;

4 (H) has a disorder of the foot that, in the
5 opinion of a person licensed to practice podiatry in this state or
6 in a state adjacent to this state, limits or impairs the person's
7 ability to walk; or

8 (I) has another debilitating condition that
9 limits or impairs the person's ability to walk, in the opinion of:

10 (i) a physician licensed to practice
11 medicine in this state or a state adjacent to this state, or
12 authorized by applicable law to practice medicine in a hospital or
13 other health facility of the Veterans Administration; or

14 (ii) a physician assistant licensed to
15 practice in this state acting as the agent of a licensed physician
16 under Section 204.202(e), Occupations Code, ~~limits or impairs the~~
17 ~~person's ability to walk~~.

18 SECTION 2. Section 681.003(c), Transportation Code, is
19 amended to read as follows:

20 (c) Subject to Subsection (e), the first application must be
21 accompanied by a notarized written statement or written
22 prescription of a physician licensed to practice medicine in this
23 state or a state adjacent to this state~~[7]~~ or authorized by
24 applicable law to practice medicine in a hospital or other health
25 facility of the Veterans Administration or a physician assistant
26 licensed to practice in this state acting as the agent of a licensed
27 physician under Section 204.202(e), Occupations Code, certifying

1 and providing evidence acceptable to the department that the person
2 making the application or on whose behalf the application is made is
3 legally blind or has a mobility problem that substantially impairs
4 the person's ability to ambulate. The statement or prescription
5 must include a certification of whether the disability is temporary
6 or permanent and information acceptable to the department to
7 determine the type of disabled parking placard for which the
8 applicant is eligible. The department shall determine a person's
9 eligibility based on evidence provided by the applicant
10 establishing legal blindness or mobility impairment.

11 SECTION 3. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.