

By: Zaffirini, et al.

S.B. No. 52

Substitute the following for S.B. No. 52:

By: Guillen

C.S.S.B. No. 52

A BILL TO BE ENTITLED

AN ACT

relating to the penalties for the illegal 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. Sections 681.011, (g), (h), (i), (j), and (k), Transportation Code, are amended to read as follows:

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

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

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

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

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

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

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

(j) If it is shown on the trial of an offense under this section that the person has been previously convicted three times

of an offense under this section, the offense is punishable by:

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

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

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

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

(a-1) A peace officer may seize a disabled parking placard from a person who operates a vehicle on which a disabled parking placard is displayed if the peace officer determines by inspecting the person's driver's license or personal identification certificate that the disabled parking placard does not contain the first four digits of the driver's license number or personal identification certificate number and the initials of:

(1) the person operating the vehicle; or

(2) a person being transported by the vehicle.

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

(b) On submission to the department under Subsection (a) or (a-2), a placard is revoked. On request of the person from whom the placard was seized, the department shall conduct a hearing and

1 determine whether the revocation should continue or the placard  
2 should be returned to the person and the revocation rescinded.

3 SECTION 3. (a) The change in law made by this Act applies  
4 only to an offense committed on or after September 1, 2009.

5 (b) An offense committed before September 1, 2009, is  
6 covered by the law in effect when the offense was committed, and the  
7 former law is continued in effect for that purpose. For purposes of  
8 this subsection, an offense was committed before September 1, 2009,  
9 if any element of the offense was committed before that date.

10 SECTION 4. This Act takes effect September 1, 2009.