

SENATE AMENDMENTS

2nd Printing

By: Harless

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.

ADOPTED

MAY 26 2009

By: WATSON

Atty Gen
Secretary of the Senate 3095

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

By: *W. Watson*

C.S. H.B. No. 3095

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8 hooked 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
11 be:

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

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

18 (2) an identification number;

19 (3) an expiration date at least three inches in

1 height; and

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

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

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

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

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

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

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

14 (e) Parking [~~A private property owner or private person~~
15 ~~who controls property used for parking and who designates one or~~
16 ~~more uncovered parking]~~ spaces or areas designated for the
17 exclusive use of vehicles transporting persons with disabilities
18 may be used by [~~shall assign at least half of those spaces for~~
19 ~~the exclusive use of]~~ vehicles displaying a white on blue shield
20 disabled parking placard, [~~or~~] license plates issued under
21 Section 504.201 or 504.202, or [~~except that if an odd number of~~
22 ~~spaces is designated, only the number of spaces that is the~~
23 ~~largest whole number less than half of the number of designated~~
24 ~~spaces must be assigned for the exclusive use of vehicles~~

1 ~~displaying a white on blue shield placard or license plates~~
2 ~~issued under Section 504.202. Van accessible parking spaces~~
3 ~~shall be counted as assigned spaces under this~~
4 ~~subsection. These assigned spaces must be the spaces located~~
5 ~~closest to an accessible route to an entrance accessible to a~~
6 ~~person with a disability. The remaining designated parking~~
7 ~~spaces may be used by vehicles displaying a white on blue shield~~
8 ~~disabled parking placard,] a white on red shield disabled~~
9 ~~parking placard[, license plates issued under Section 504.201,~~
10 ~~or license plates issued under Section 504.202. This subsection~~
11 ~~applies only to a property used for parking that serves a~~
12 ~~building or other facility:~~

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

15 ~~[(2) for which construction or an alteration of the~~
16 ~~building or other facility is completed on or after September 1,~~
17 ~~1999].~~

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

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

21 ~~[(1)]~~ stands a vehicle on which license plates issued
22 under Section 504.201 or 504.202 are not displayed and a
23 disabled parking placard is not displayed in a parking space or
24 area designated specifically for individuals with disabilities

1 by:

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

3 (2) [~~B~~] a person who owns or controls private
4 property used for parking as to which a political subdivision
5 has provided for the application of this section under [~~this~~]
6 Subsection (f) [~~or~~

7 ~~[(2) stands a vehicle displaying a white on red
8 shield disabled parking placard or license plates issued under
9 Section 504.201 in a space designated under Section 681.009(e)
10 for the exclusive use of vehicles displaying a white on blue
11 shield disabled parking placard or license plates issued under
12 Section 504.202].~~

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

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

19 (1) a fine of not less than \$550 [~~\$300~~] or more than
20 \$800; and

21 (2) 10 hours of community service [~~\$600~~].

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

1 (1) a fine of not less than \$550 [~~\$300~~] or more than
2 \$800 [~~\$600~~]; and

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

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

9 (1) a fine of not less than \$800 [~~\$500~~] or more than
10 \$1,100 [~~\$1,000~~]; and

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

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

17 SECTION 5. 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
20 is continued in effect for that purpose.

21 SECTION 6. (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

1 the former law is continued in effect for that purpose. For the
2 purposes of this subsection, an offense was committed before
3 September 1, 2009, if any element of the offense was committed
4 before that date.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3095 by Harless (Relating to the use of a parking space or area designated specifically for persons with disabilities.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code relating to use of a parking space or area designated for persons with disabilities, as well as procedures, enforcement, and punishments associated with related requirements. In certain situations, fines would be increased. The \$5 fee that accompanies an application for a disabled parking placard would apply only to an application for a temporary placard rather than to all applications for a placard.

The Texas Department of Transportation (TxDOT) reports the agency would incur administrative responsibilities related to implementation. Based on the analysis by TxDOT, it is assumed that associated costs could be absorbed within existing resources.

Local Government Impact

Any increases in fines collected would depend on the number of applicable violations, but is not anticipated to be significant per local government entity.

Any loss in revenue from collecting the \$5 application fee on only temporary placards would vary by local government entity depending on how many permanent placards may have been requested but would no longer include a \$5 fee; however, the loss is not anticipated to be significant.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, SZ, DB, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3095 by Harless (Relating to the use of a parking space or area designated specifically for persons with disabilities.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code relating to use of a parking space or area designated for persons with disabilities, as well as procedures, enforcement, and punishments associated with related requirements. In certain situations, fines would be increased. The \$5 fee that accompanies an application for a disabled parking placard would apply only to an application for a temporary placard rather than to all applications for a placard.

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Source Agencies: 601 Department of Transportation

LBB Staff: JOB, DB, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 18, 2009

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3095 by Harless (Relating to the use of a parking space or area designated specifically for persons with disabilities.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code relating to use of a parking space or area designated for persons with disabilities, as well as procedures, enforcement, and punishments associated with related requirements. In certain situations, fines would be increased. The \$5 fee that accompanies an application for a disabled parking placard would apply only to an application for a temporary placard rather than to all applications for a placard.

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Source Agencies: 601 Department of Transportation

LBB Staff: JOB, DB, KJG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 19, 2009

TO: Honorable Joseph Pickett, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3095 by Harless (Relating to the use of a parking space or area designated specifically for persons with disabilities.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code relating to use of a parking space or area designated for persons with disabilities, as well as procedures, enforcement, and punishments associated with related requirements. In certain situations, fines would be increased. The \$5 fee that accompanies an application for a disabled parking placard would apply only to an application for a temporary placard rather than to all applications for a placard.

The Texas Department of Transportation (TxDOT) reports the agency would incur administrative responsibilities related to implementation. Based on the analysis by TxDOT, it is assumed that associated costs could be absorbed within existing resources.

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Source Agencies: 601 Department of Transportation

LBB Staff: JOB, DB, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

TO: Honorable Joseph Pickett, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB3095 by Harless (Relating to the use of a parking space or area designated specifically for persons with disabilities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code relating to use of a parking space or area designated for persons with disabilities, as well as procedures, enforcement, and punishments associated with associated requirements. Fines imposed for punishment would be increased.

The Texas Department of Transportation (TxDOT) reports the agency would incur administrative responsibilities related to implementation. Based on the analysis by TxDOT, it is assumed that associated costs could be absorbed within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, DB

