

By: King of Parker

H.B. No. 767

A BILL TO BE ENTITLED

AN ACT

relating to preventing the fraudulent issuance and use of disabled parking placards; providing a civil penalty.

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

SECTION 1. Section 105.002(a), Occupations Code, is amended to read as follows:

(a) A health care provider commits unprofessional conduct if the health care provider, in connection with the provider's professional activities:

(1) knowingly presents or causes to be presented a false or fraudulent claim for the payment of a loss under an insurance policy;

(2) knowingly prepares, makes, or subscribes to any writing, with intent to present or use the writing, or to allow it to be presented or used, in support of a false or fraudulent claim under an insurance policy; ~~or~~

(3) knowingly directs or requires a patient to obtain health care goods or services from a niche hospital in which the health care provider or an immediate family member of the provider has a financial interest, unless the provider:

(A) discloses to the patient, in writing, that the provider or the provider's family member has a financial interest in the niche hospital; and

(B) informs the patient that the patient has the

option of using an alternative health care facility; or

(4) knowingly makes a false or misleading statement in a notarized written statement to certify a person's eligibility to obtain a disabled parking placard for a person who is ineligible for the placard under Section 681.003, Transportation Code.

SECTION 2. The heading to Section 681.011, Transportation Code, is amended to read as follows:

Sec. 681.011. CRIMINAL AND CIVIL PENALTIES [~~OFFENSES, PRESUMPTION~~].

SECTION 3. Section 681.011, Transportation Code, is amended by adding Subsection (f-1) to read as follows:

(f-1) A person who violates this section is liable for a civil penalty, not to exceed \$750, to the political subdivision that:

(1) designated the parking space or area specifically for persons with disabilities; or

(2) provided that this section applies to a parking space or area on private property under Subsection (f).

SECTION 4. Section 681.011(h), Transportation Code, as amended by Chapters 1160 (H.B. 3095) and 1336 (S.B. 52), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(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 \$750 [~~\$500~~] or more than \$1,000 [~~\$800~~]; and

(2) 10 hours of community service.

SECTION 5. Section 681.011(i), Transportation Code, as amended by Chapters 1160 (H.B. 3095) and 1336 (S.B. 52), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(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 \$1,000 [~~\$550~~] or more than \$1,250 [~~\$800~~]; and

(2) 20 hours of community service.

SECTION 6. Section 681.011(j), Transportation Code, as amended by Chapters 1160 (H.B. 3095) and 1336 (S.B. 52), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(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 \$1,250 [~~\$800~~] or more than \$1,500 [~~\$1,100~~]; and

(2) 30 hours of community service.

SECTION 7. Section 681.011(k), Transportation Code, is amended to read as follows:

(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 \$1,500 [~~\$1,250~~] and 50 hours of community service.

1 SECTION 8. (a) The Governor's Committee on People with
2 Disabilities shall conduct a study to examine the improper use of
3 disabled parking spaces, with an emphasis on improper use at large
4 buildings and facilities, including stadiums and performing arts
5 centers.

6 (b) Not later than December 31, 2014, the Governor's
7 Committee on People with Disabilities shall submit a written report
8 containing the findings of the study conducted under this section
9 together with the committee's recommendations to the legislature
10 and the Texas Department of Licensing and Regulation.

11 SECTION 9. The change in law made by this Act to Section
12 105.002, Occupations Code, applies to a violation that occurs on or
13 after the effective date of this Act. A violation that occurs
14 before the effective date of this Act is governed by the law in
15 effect on the date of the violation, and the former law is continued
16 in effect for that purpose.

17 SECTION 10. The change in law made by this Act to Section
18 681.011, Transportation Code, applies only to an offense committed
19 on or after the effective date of this Act. An offense committed
20 before the effective date of this Act is governed by the law in
21 effect on the date the offense was committed, and the former law is
22 continued in effect for that purpose. For purposes of this section,
23 an offense was committed before the effective date of this Act if
24 any element of the offense occurred before that date.

25 SECTION 11. This Act takes effect September 1, 2013.