

BILL ANALYSIS

C.S.H.B. 1317
By: Bohac
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that while van-accessible disabled parking spaces include an extra space that typically allows a ramp or lift affixed to a van to lower and allow a person in a wheelchair to exit the ramp or lift and turn, this exit process is not possible in the non-van-accessible spaces. Unfortunately, many individuals who are not in wheelchairs and do not require the extra space to unload choose to park in the van-accessible space, thereby limiting access to those few available spaces for individuals who require the additional space to exit and enter a specially equipped vehicle. The parties believe this issue to be only one of many facing disabled individuals when attempting to use disabled parking spaces in Texas. C.S.H.B. 1317 seeks to provide a review of laws, standards, and policies applicable to those individuals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1317 amends the Human Resources Code to require the Governor's Committee on People with Disabilities, in coordination with disability advocacy groups and disability-related organizations located in both rural and urban areas of Texas, to review state laws that apply to parking for persons with disabilities; laws of other states that apply to parking for persons with disabilities; requirements for parking for persons with disabilities in the federal Americans with Disabilities Act of 1990 and related federal regulations, the 2010 Americans with Disabilities Act Standards for Accessible Design, and the 2012 Texas Accessibility Standards; and policies on parking for persons with disabilities in state-owned parking lots, including on the grounds of the State Capitol. The bill requires the committee to create a report on such information and to submit the report, not later than November 1, 2016, to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives that have jurisdiction over issues related to transportation. The bill's provisions expire January 1, 2017.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1317 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 469.052, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The commission by rule shall require, for a building or facility that is required under 28 C.F.R. Part 36 to designate one or more van-accessible parking spaces, that at least one of those parking spaces be designated for use only by vans.

SECTION 2. Section 681.006(a), Transportation Code, is amended to read as follows:

(a) Subject to Section 681.009(e), a vehicle may be parked for an unlimited period:

(1) in a parking space or area that is designated specifically for persons with physical disabilities, other than a space designated as van-only under Section 469.052(d), Government Code, if:

(A) [~~(1)~~] the vehicle is being operated by or for the transportation of a person with a disability; and

(B) [~~(2)~~] there are:

(i) [~~(A)~~] displayed on the vehicle special license plates issued under Section 504.201; or

(ii) [~~(B)~~] placed on the rearview mirror of the vehicle's front windshield a disabled parking placard; or

(2) in a parking space designated as van-only under Section 469.052(d), Government Code, if:

(A) the requirements of Subdivision (1) are met; and

(B) the vehicle is a van.

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

(b) A political subdivision must designate a parking space or area by conforming to the standards and specifications adopted by the Texas Commission of Licensing and

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

No equivalent provision.

No equivalent provision.

Regulation under Section 469.052, Government Code [5(i), Article 9102, Revised Statutes], relating to the identification and dimensions of parking spaces for persons with disabilities. A person who owns or controls private property used for parking may designate a parking space or area without conforming to those standards and specifications, unless required to conform by law.

No equivalent provision.

SECTION 1. Chapter 115, Human Resources Code, is amended by adding Section 115.012 to read as follows:

Sec. 115.012. REPORT ON HANDICAPPED PARKING LAWS, STANDARDS, AND POLICIES. (a) The committee, in coordination with disability advocacy groups and disability-related organizations located in both rural and urban areas of this state, shall review:

(1) laws of this state that apply to parking for persons with disabilities;

(2) laws of other states that apply to parking for persons with disabilities;

(3) requirements for parking for persons with disabilities in:

(A) the federal Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and related federal regulations;

(B) the 2010 Americans with Disabilities Act Standards for Accessible Design; and

(C) the 2012 Texas Accessibility Standards; and

(4) policies on parking for persons with disabilities in state-owned parking lots, including on the grounds of the State Capitol.

(b) The committee shall create a report on the information described by Subsection (a). Not later than November 1, 2016, the committee shall submit the report to the governor, lieutenant governor, speaker of the house of representatives, and standing committees of the senate and house of representatives that have jurisdiction over issues related to transportation.

(c) This section expires January 1, 2017.

SECTION 4. This Act takes effect September 1, 2015.

SECTION 2. Same as introduced version.