

BILL ANALYSIS

Senate Research Center
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S.B. 1292
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Transportation
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A 2014 study concluded that 25 to 30 percent of vehicles parked at meters or in parking spaces designated for persons with disabilities at any given time are parked illegally, and 65 to 75 percent of these parking spaces are being used illegally during rain or inclement weather. Under current law the fine for parking illegally in a space reserved for persons with a disability is \$500. Unfortunately, these fines often have the opposite effect of deterring violations because many judges see the fines as excessive and dismiss the violation. For example, in Travis County the dismissal rate for these violations is 83.4 percent. An alternate approach may be to provide for an educational parking course that teaches drivers the reasons for the parking ticket and the implications that violations have on the community of the disabled persons. A pilot program in Hays County has found success with 60 percent less parking violations of this type. Decreasing the issuance of unnecessary disabled parking placards also would help reduce illegal parking violations.

S.B. 1292 seeks to address parking violations by providing for an educational alternative to the required fine as well as reducing the number of disabled parking placards that may be distributed.

As proposed, S.B. 1292 amends current law relating to parking privileges for people with disabilities, authorizes a fee, and amends dismissal procedures for a criminal offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 45, Code of Criminal Procedure, by adding Article 45.0512, as follows:

Art. 45.0512. **DISABLED PARKING COURSE DISMISSAL PROCEDURES.** (a) Provides that this article applies only to an alleged offense that is within the jurisdiction of a justice court or a municipal court and is defined by Section 681.011 (Offenses; Presumption), Transportation Code.

(b) Authorizes the judge to require the defendant to successfully complete a disabled parking course approved by the political subdivision in which the alleged offense occurred if:

(1) the defendant has not completed a disabled parking course approved by the political subdivision within the 12 months preceding the date of the offense; and

(2) the defendant enters a plea under Article 45.021 (Pleadings) in person or in writing of no contest or guilty on or before the answer date on the notice to appear and presents in person or by counsel to the court a request to take a course or sends to the court by certified mail, return receipt

requested, postmarked on or before the answer date on the notice to appear, a written request to take a course.

(c) Requires the court to enter judgment on the defendant's plea of no contest or guilty at the time the plea is made, defer imposition of the judgment, and allow the defendant 90 days to successfully complete the approved disabled parking course and present to the court:

(1) a certificate, in a form approved by the political subdivision that approved the course, of completion of the disabled parking course; and

(2) confirmation from the political subdivision in which the alleged offense occurred that the defendant was not taking a disabled parking course approved by that subdivision under this article on the date the request to take the course was made and had not completed such a course within the 12 months preceding the date of the offense.

(d) Provides that a request to take a disabled parking course made at or before the time and at the place at which a defendant is required to appear in court is an appearance in compliance with the defendant's promise to appear.

(e) Authorizes the court, in addition to court costs and fees authorized or imposed by a law of this state and applicable to the offense, to require a defendant requesting a course under Subsection (b) to pay an administrative fee set by the court to cover the cost of administering this article at an amount of not more than \$10.

(f) Provides that a defendant who requests but does not take a course is not entitled to a refund of the fee.

(g) Requires that fees collected by a municipal court be deposited in the municipal treasury. Requires that fees collected by another court be deposited in the county treasury of the county in which the court is located.

(h) Requires the court, if a defendant requesting a course under this article fails to comply with Subsection (c), to notify the defendant in writing, mailed to the address on file with the court or appearing in the notice to appear, of that failure and require the defendant to appear at the time and place stated in the notice to show cause why the evidence was not timely submitted to the court.

(i) Requires the court, if the defendant fails to appear at the time and place stated in the notice under Subsection (h), or appears at the time and place stated in the notice but does not show good cause for the defendant's failure to comply with Subsection (c), to enter an adjudication of guilt and impose sentence.

(j) Authorizes the court, on a defendant's showing of good cause for failure to furnish evidence to the court, to allow an extension of time during which the defendant is authorized to present a certificate of course completion as evidence that the defendant successfully completed the disabled parking course.

(k) Requires the court to remove the judgment and dismiss the charge when a defendant complies with Subsection (c).

(l) Authorizes the court to dismiss only one charge for each completion of a course.

(m) Provides that an order of deferral under Subsection (c) terminates any liability under a bail bond or appearance bond given for the charge.

SECTION 2. Amends Section 103.021, Government Code, as follows:

Sec. 103.021. ADDITIONAL FEES AND COSTS IN CRIMINAL OR CIVIL CASES: CODE OF CRIMINAL PROCEDURE. Includes an additional fee as an administrative fee for requesting a disabled parking course to cover the cost of administering the article (Art. 45.0512(e), Code of Criminal Procedure) not to exceed \$10 among the required fees as set forth that an accused or defendant, or a party to a civil suit, as applicable, is required to pay. Makes a nonsubstantive change.

SECTION 3. Amends Sections 681.004(a) and (b), Transportation Code, as follows:

(a) Authorizes a person with a permanent disability to receive one disabled parking placard, in addition to any special license plates received under Subchapter C (License Plates for Vehicles Used by Persons With Disabilities), Chapter 504 (License Plates). Deletes existing text authorizing a person with a permanent disability to receive two disabled parking placards, if the person does not receive a set of special license plates under Section 504.201 (Persons With Disabilities); one disabled parking placard, if the person receives a set of special license plates under Section 504.201; or two disabled parking placards, if the person receives two sets of special license plates under Section 504.202 (Veterans With Disabilities).

(b) Authorizes a person with a temporary disability to receive one disabled parking placard, rather than two disabled parking placards.

SECTION 4. Amends Section 681.010, Transportation Code, by adding Subsection (c) to authorize a charge filed under this section to be filed manually or in an electronically secure format.

SECTION 5. Amends Section 681.0101, Transportation Code, by adding Subsections (a-1) and (b-1) and amending Subsection (b), as follows:

(a-1) Authorizes a charge filed under this section to be filed manually or in an electronically secure format.

(b) Requires a person appointed under this section to successfully complete a training program of at least four hours in length developed or approved by the political subdivision.

(b-1) Requires that a training program described by Subsection (b) include information on laws governing parking for people with disabilities and the powers, rights, and responsibilities of a person appointed under this section; instructions directing a person appointed under this section not to confront suspected violators of laws governing parking for people with disabilities; and procedures to report suspected violations of laws governing parking for people with disabilities.

SECTION 6. Amends Chapter 681, Transportation Code, by adding Section 681.014, as follows:

Sec. 681.014. DISPOSITION OF FINES. Prohibits a political subdivision that collects fines for violations of Section 681.011, notwithstanding Section 542.402 (Disposition of Fines), from using more than 40 percent of the fine revenue to provide a community education and awareness program about parking for people with disabilities and establish an advisory body in the political subdivision, composed of members at least half of whom have a disability or represent a nonprofit organization that serves the needs of people with disabilities.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2015.