

By: Bohac

H.B. No. 4137

A BILL TO BE ENTITLED

AN ACT

relating to the availability of parking spaces at certain facilities for persons with a disability.

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

SECTION 1. The heading to Subtitle A, Title 4, Health and Safety Code, is amended to read as follows:

SUBTITLE A. FINANCING, CONSTRUCTING, REGULATING, AND INSPECTING
HEALTH FACILITIES AND PREMISES

SECTION 2. Subtitle A, Title 4, Health and Safety Code, is amended by adding Chapter 226 to read as follows:

CHAPTER 226. PARKING AT CERTAIN HEALTH FACILITIES SERVING PERSONS
WITH A DISABILITY

Sec. 226.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Department" means the Department of State Health Services.

(3) "Executive commissioner" means the executive commissioner of the commission.

Sec. 226.002. AVAILABILITY OF PARKING. The executive commission by rule shall require each facility that provides rehabilitation or physical therapy services or a division of a hospital that provides outpatient services to have a sufficient number of van-accessible parking spaces. A facility or division of

1 a hospital may provide van-accessible parking spaces that are
2 angled or that share access aisles with other parking spaces.

3 Sec. 226.003. ADMINISTRATIVE PENALTY. (a) The commission
4 or department, as applicable, may impose an administrative penalty
5 against a facility that provides rehabilitation or physical therapy
6 services or a hospital that violates this chapter or a rule adopted
7 under this chapter.

8 (b) The penalty imposed under this section must be in an
9 amount not to exceed \$1,000. Each day of a continuing violation is
10 a separate violation.

11 (c) In determining the amount of the penalty imposed under
12 this section, the commission or department, as applicable, shall
13 consider:

14 (1) any previous violations by the facility or
15 hospital;

16 (2) the seriousness of the violation;

17 (3) any hazard to the health and safety of patients of
18 the facility or hospital;

19 (4) the demonstrated good faith of a facility or
20 hospital in complying with this chapter or a rule adopted under this
21 chapter; and

22 (5) any other matter as justice may require.

23 (d) The enforcement of the penalty may be stayed during the
24 time the order is under judicial review if the person pays the
25 penalty to the clerk of the court or files a supersedeas bond with
26 the court in the amount of the penalty. A person who cannot afford
27 to pay the penalty or file the bond may stay the enforcement by

1 filing an affidavit in the manner required by the Texas Rules of
2 Civil Procedure for a party who cannot afford to file security for
3 costs, subject to the right of the board to contest the affidavit as
4 provided by those rules.

5 (e) The attorney general may sue to collect the penalty and
6 recover the reasonable expenses and costs incurred in collection of
7 the penalty.

8 SECTION 3. As soon as practicable after the effective date
9 of this Act, the executive commissioner of the Health and Human
10 Services Commission shall adopt rules necessary to implement the
11 changes in law made by this Act.

12 SECTION 4. This Act takes effect September 1, 2017.