

By: Zaffirini

S.B. No. 2157

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to parking privileges for people with disabilities;  
3 authorizing a fee; amending dismissal procedures for a criminal  
4 offense.

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

6 SECTION 1. Subchapter B, Chapter 45, Code of Criminal  
7 Procedure, is amended by adding Article 45.0512 to read as follows:

8 Art. 45.0512. DISABLED PARKING COURSE DISMISSAL  
9 PROCEDURES. (a) This article applies only to an alleged offense  
10 that:

11 (1) is within the jurisdiction of a justice court or a  
12 municipal court; and

13 (2) is defined by Section 681.011, Transportation  
14 Code.

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

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

21 (2) the defendant enters a plea under Article 45.021  
22 in person or in writing of no contest or guilty on or before the  
23 answer date on the notice to appear and:

24 (A) presents in person or by counsel to the court

1 a request to take a course; or

2 (B) sends to the court by certified mail, return  
3 receipt requested, postmarked on or before the answer date on the  
4 notice to appear, a written request to take a course.

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

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

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

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

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

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

3       (g) Fees collected by a municipal court shall be deposited  
4 in the municipal treasury. Fees collected by another court shall be  
5 deposited in the county treasury of the county in which the court is  
6 located.

7       (h) If a defendant requesting a course under this article  
8 fails to comply with Subsection (c), the court shall:

9           (1) notify the defendant in writing, mailed to the  
10 address on file with the court or appearing in the notice to appear,  
11 of that failure; and

12           (2) require the defendant to appear at the time and  
13 place stated in the notice to show cause why the evidence was not  
14 timely submitted to the court.

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

20       (j) On a defendant's showing of good cause for failure to  
21 furnish evidence to the court, the court may allow an extension of  
22 time during which the defendant may present a certificate of course  
23 completion as evidence that the defendant successfully completed  
24 the disabled parking course.

25       (k) When a defendant complies with Subsection (c), the court  
26 shall remove the judgment and dismiss the charge.

27       (l) The court may dismiss only one charge for each

1 completion of a course.

2 (m) An order of deferral under Subsection (c) terminates any  
3 liability under a bail bond or appearance bond given for the charge.

4 SECTION 2. Subchapter B, Chapter 103, Government Code, is  
5 amended by adding Section 103.036 to read as follows:

6 Sec. 103.036. ADDITIONAL FEES IN CERTAIN CRIMINAL CASES:  
7 CODE OF CRIMINAL PROCEDURE. An accused or defendant shall pay, if  
8 ordered by the court or otherwise required, in addition to any other  
9 fees or costs an administrative fee not to exceed \$10 for requesting  
10 a disabled parking course to cover the cost of administering  
11 Article 45.0512(e), Code of Criminal Procedure.

12 SECTION 3. Section 681.002(c), Transportation Code, is  
13 amended to read as follows:

14 (c) The department shall furnish [~~the disabled parking~~  
15 ~~placards~~] to each county assessor-collector:

- 16 (1) disabled parking placards; and  
17 (2) a standard form, in paper or electronic form, that  
18 provides instructions to a recipient of a disabled parking placard  
19 on the rules for using the placard.

20 SECTION 4. Chapter 681, Transportation Code, is amended by  
21 adding Section 681.0041 to read as follows:

22 Sec. 681.0041. RETURN OF PARKING PLACARD. (a) A person who  
23 receives a disabled parking placard shall return the placard to the  
24 county assessor-collector that issued the placard, or the county  
25 assessor-collector of the county in which the person resides, if  
26 the placard is unexpired and the person ceases to have a disability  
27 that makes the person eligible for the placard. The person must

1 return the placard not later than the 30th day after the date the  
2 person ceases to have a disability that makes the person eligible  
3 for the placard.

4 (b) A decedent's personal representative, as defined by  
5 Section 22.031, Estates Code, or next of kin, if any, shall return  
6 an unexpired disabled parking placard issued to the decedent to the  
7 county assessor-collector that issued the placard, or the county  
8 assessor-collector of the county in which the decedent resided, not  
9 later than the 30th day after the date the decedent died.

10 (c) A county assessor-collector that receives a disabled  
11 parking placard shall notify the department of the return.

12 SECTION 5. Section 681.005, Transportation Code, is amended  
13 to read as follows:

14 Sec. 681.005. DUTIES OF COUNTY ASSESSOR-COLLECTOR. (a)  
15 Each county assessor-collector shall send to the department each  
16 fee collected under Section 681.003, to be deposited in the Texas  
17 Department of Motor Vehicles fund to defray the cost of providing  
18 the disabled parking placard.

19 (b) Each county assessor-collector shall provide to each  
20 person or institution issued a disabled parking placard under this  
21 chapter by the assessor-collector the instruction form created by  
22 the department under Section 681.002.

23 SECTION 6. Section 681.010, Transportation Code, is amended  
24 by adding Subsection (c) to read as follows:

25 (c) A charge filed under this section may be filed manually  
26 or in an electronically secure format.

27 SECTION 7. Section 681.0101, Transportation Code, is

1 amended by adding Subsections (a-1) and (b-1) and amending  
2 Subsection (b) to read as follows:

3 (a-1) A charge filed under this section may be filed  
4 manually or in an electronically secure format.

5 (b) A person appointed under this section must:

6 (1) be a United States citizen of good moral character  
7 who has not been convicted of a felony;

8 (2) take and subscribe to an oath of office that the  
9 political subdivision prescribes; and

10 (3) successfully complete a training program of at  
11 least four hours in length developed or approved by the political  
12 subdivision.

13 (b-1) A training program described by Subsection (b) must  
14 include:

15 (1) information on laws governing parking for people  
16 with disabilities;

17 (2) information on the powers, rights, and  
18 responsibilities of a person appointed under this section;

19 (3) instructions directing a person appointed under  
20 this section not to confront suspected violators of laws governing  
21 parking for people with disabilities; and

22 (4) procedures to report suspected violations of laws  
23 governing parking for people with disabilities.

24 SECTION 8. Chapter 681, Transportation Code, is amended by  
25 adding Section 681.014 to read as follows:

26 Sec. 681.014. DISPOSITION OF FINES. Notwithstanding  
27 Section 542.402, a political subdivision that collects fines for

1 violations of Section 681.011 may use not more than 40 percent of  
2 the fine revenue to:

3 (1) provide a community education and awareness  
4 program about parking for people with disabilities; and

5 (2) establish an advisory body in the political  
6 subdivision, composed of members at least half of whom have a  
7 disability or represent a nonprofit organization that serves the  
8 needs of people with disabilities.

9 SECTION 9. Article 45.0512, Code of Criminal Procedure, as  
10 added by this Act, applies only to an offense committed on or after  
11 the effective date of this Act. An offense committed before the  
12 effective date of this Act is governed by the law in effect on the  
13 date the offense was committed, and the former law is continued in  
14 effect for that purpose. For purposes of this section, an offense  
15 was committed before the effective date of this Act if any element  
16 of the offense occurred before that date.

17 SECTION 10. This Act takes effect January 1, 2018.