

By: Zaffirini

S.B. No. 1743

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of parking privileges for people with disabilities; authorizing a reimbursement fee.

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

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

Art. 45.0512. DISABLED PARKING COURSE DISMISSAL PROCEDURES.

(a) This article applies only to an alleged offense that:

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

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

(b) The judge may 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 in person or in writing of no contest or guilty on or before the answer date on the notice to appear and:

(A) presents in person or by counsel to the court a request to take a course; or

(B) sends to the court by certified mail, return

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

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

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

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

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

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

27 (f) A defendant who requests but does not take a course is

1 not entitled to a refund of the reimbursement fee.

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

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

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

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

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

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

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

26 (l) The court may dismiss only one charge for each
27 completion of a course.

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

3 SECTION 2. Chapter 681, Transportation Code, is amended by
4 adding Section 681.0041 to read as follows:

5 Sec. 681.0041. RETURN OF PARKING PLACARD. (a) A person who
6 receives a disabled parking placard shall return the placard to the
7 county assessor-collector that issued the placard, or the county
8 assessor-collector of the county in which the person resides, if
9 the placard is unexpired and the person ceases to have a disability
10 that makes the person eligible for the placard. The person must
11 return the placard not later than the 60th day after the date the
12 person ceases to have a disability that makes the person eligible
13 for the placard.

14 (b) A decedent's personal representative, as defined by
15 Section 22.031, Estates Code, or next of kin, if any, shall return
16 an unexpired disabled parking placard issued to the decedent to the
17 county assessor-collector that issued the placard, or the county
18 assessor-collector of the county in which the decedent resided, not
19 later than the 60th day after the date the decedent died.

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

22 SECTION 3. Section 681.010, Transportation Code, is amended
23 by adding Subsection (c) to read as follows:

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

26 SECTION 4. Section 681.0101, Transportation Code, is
27 amended by adding Subsections (a-1) and (b-1) and amending

1 Subsection (b) to read as follows:

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

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

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

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

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

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

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

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

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

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

23 SECTION 5. Chapter 681, Transportation Code, is amended by
24 adding Section 681.014 to read as follows:

25 Sec. 681.014. DISPOSITION OF FINES. Notwithstanding
26 Section 542.402, a political subdivision that collects fines for
27 violations of Section 681.011 may use not more than 40 percent of

1 the fine revenue to:

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

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

8 SECTION 6. Article 45.0512, Code of Criminal Procedure, as
9 added by this Act, applies only to an offense committed on or after
10 the effective date of this Act. An offense committed before the
11 effective date of this Act is governed by the law in effect on the
12 date the offense was committed, and the former law is continued in
13 effect for that purpose. For purposes of this section, an offense
14 was committed before the effective date of this Act if any element
15 of the offense occurred before that date.

16 SECTION 7. This Act takes effect January 1, 2022.