

BILL ANALYSIS

H.B. 1633
By: Ortega
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 87th Legislature passed S.B. 792, which imposed new penalties for parking in a parking space designated specifically for individuals with disabilities without an international symbol of access on the license plates or disabled parking placard. However, lack of awareness of the new law and the lengthy process for receiving the required plates or placard has led to unintended consequences for our veterans. Additionally, the El Paso County veteran community has expressed concern about the harsh penalty structure for violating this new law. H.B. 1633 seeks to address these concerns by providing for a reduced penalty structure for the offense and for a dismissal of a first penalty under certain conditions.

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

H.B. 1633 amends the Transportation Code to lower the penalty structure for the misdemeanor offense when a person who stands a vehicle in a parking space or area designated specifically for individuals with disabilities when the vehicle displays special license plates issued for veterans with disabilities and does not display a disabled parking placard to:

- by a fine of not less than \$25 or more than \$200 or not more than 10 hours of community service; or
- if the person has a previous conviction or received a dismissal of a charge for the offense, or has both, by a fine ranging from \$200 to \$750 or community service ranging from 10 hours to 30 hours, depending on the number of previous convictions or dismissals.

These provisions do not apply to a vehicle that displays special license plates for disabled veterans that include the international symbol of access.

H.B. 1633 requires the court to dismiss a charge for such an offense if the person:

- has not been previously convicted of the offense;
- has not previously received a dismissal from a charge for such an offense; and
- submits an application for a specialty license plate that includes the symbol of access within six months after the date the person was charged with the offense. The bill applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.