

BILL ANALYSIS

S.B. 904
By: Springer
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 86th Texas Legislature passed H.B. 3163, which changed the requirements for how accessible parking spaces are designated. The Texas Commission of Licensing and Regulation (TCLR) made the changes in their requirements, however, TCLR only inspects "new builds" for compliance, thereby putting thousands of clearly marked accessible parking spaces under the old system, which are waiting to be updated and out of compliance. As a result, local enforcement no longer tickets vehicles parked in spaces intended for persons with disabilities because the parking spaces do not meet the current standards, thus allowing able-bodied adults to park in clearly marked accessible-only parking spaces. Additionally, some judges have stopped accepting citations for accessible parking violations if the space is not marked correctly using the new standards. By enacting a minimum enforcement standard that includes both the old and new standards, the state can protect parking access for persons with disabilities. S.B. 904 seeks to provide for such an enforcement standard.

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

S.B. 904 amends the Transportation Code to establish that it is not a defense to prosecution for an offense of unauthorized use of parking designated for persons with disabilities that the parking space or area designated specifically for persons with disabilities is not designated in compliance with the standards and specifications adopted by the Texas Commission of Licensing and Regulation relating to the identification and dimensions of parking spaces if the parking space or area is generally in compliance with those standards and specifications and is clearly distinguishable as being designated specifically for persons with disabilities. The bill authorizes a peace officer to issue a warning but prohibits a peace officer from issuing a citation for such an offense to a person who stands a vehicle in a parking space or area designated specifically for persons with disabilities that does not have a parking space identification sign identifying the parking space in accordance with the requirements of such standards and specifications. The bill applies only to an offense committed on or after the bill's effective date and provides for the continuation of the law in effect before that date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.