88R4674 BEE-D

By:  Vasut H.B. No. 1643

A BILL TO BE ENTITLED

AN ACT

relating to exemptions granted by the Parks and Wildlife Commission to persons with disabilities; creating a criminal offense.

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

SECTION 1.  Subchapter A, Chapter 11, Parks and Wildlife Code, is amended by adding Section 11.006 to read as follows:

Sec. 11.006.  EXEMPTIONS FOR PERSONS WITH DISABILITIES. (a) This section applies only to:

(1)  an activity regulated by the department that includes the authorized taking of fish, wildlife, or other resources; and

(2)  a requirement or prohibition imposed by this code or commission rule that relates to:

(A)  the manner of the taking of fish, wildlife, or other resources authorized under an activity described by Subdivision (1); or

(B)  the equipment used to take the fish, wildlife, or other resources or to otherwise participate in the activity.

(b)  The commission by rule may grant a person with a disability an exemption from a requirement or prohibition described by Subsection (a)(2) if the requirement or prohibition restricts or prevents the person from substantially participating in an activity described by Subsection (a)(1).

(c)  The commission by rule shall establish procedures and criteria for granting an exemption under Subsection (b). Rules adopted under this subsection must provide that an application for an exemption under Subsection (b) must be:

(1)  on a form prescribed by the commission; and

(2)  accompanied by a notarized written statement or written prescription of a physician licensed to practice medicine in this state certifying that the person making the application has a disability that restricts or prevents the person's ability to substantially participate in an activity described by Subsection (a)(1) while complying with a requirement or prohibition described by Subsection (a)(2).

(d)  An exemption granted under this section:

(1)  may not change the fundamental nature of the activity for which the person seeks the exemption;

(2)  is valid for one year; and

(3)  may be renewed in the manner prescribed by commission rule.

(e)  The department shall issue to a person granted an exemption under this section a document demonstrating proof of the exemption.

(f)  A person granted an exemption under this section must have the document issued by the department under Subsection (e) in the person's immediate possession at all times while participating in the activity for which the exemption is granted.

(g)  A person who violates Subsection (f) commits an offense that is a Class C Parks and Wildlife Code misdemeanor. It is a defense to prosecution under this subsection that the person charged produces in court the document issued by the department under Subsection (e) that was valid on the date of the alleged offense.

(h)  Not later than December 1 of each even-numbered year, the department shall prepare and submit to the standing committee of each house of the legislature with primary jurisdiction over the department a report of the exemption requests received by the department in the reporting period, including an anonymized description of each request and whether an exemption had been granted or denied for the request.

SECTION 2.  As soon as practicable after the effective date of this Act, the Parks and Wildlife Commission shall adopt rules as necessary to implement and administer Section 11.006, Parks and Wildlife Code, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2023.