

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).

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

5 (1) on a form prescribed by the commission; and
6 (2) accompanied by a notarized written statement or
7 written prescription of a physician licensed to practice medicine
8 in this state certifying that the person making the application has
9 a disability that restricts or prevents the person's ability to
10 substantially participate in an activity described by Subsection
11 (a)(1) while complying with a requirement or prohibition described
12 by Subsection (a)(2).

13 (d) An exemption granted under this section:

14 (1) may not change the fundamental nature of the
15 activity for which the person seeks the exemption;
16 (2) is valid for one year; and
17 (3) may be renewed in the manner prescribed by
18 commission rule.

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

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

26 (g) A person who violates Subsection (f) commits an offense
27 that is a Class C Parks and Wildlife Code misdemeanor. It is a

1 defense to prosecution under this subsection that the person
2 charged produces in court the document issued by the department
3 under Subsection (e) that was valid on the date of the alleged
4 offense.

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

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

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