

BILL ANALYSIS

Senate Research Center
81R3323 TRH-D

H.B. 400
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, there is no grace period for a person cited for illegally parking a vehicle with an expired disabled parking placard by obtaining a valid placard to have the citation dismissed. However, a person cited for an expired vehicle inspection certificate is granted a grace period in which the person may remedy the defect and have the citation dismissed. If the person obtains a valid inspection certificate within 20 working days or before the person's first court appearance, and the expired inspection certificate had not been expired for more than 60 days, the citation is dismissed.

H.B. 400 grants a person with a disability the same grace period to have a citation for an expired disabled parking placard dismissed by remedying the defect that is granted to a person pursuing the dismissal of a citation for an expired vehicle inspection certificate.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 681, Transportation Code, by adding Section 681.013, as follows:

Sec. 681.013. DISMISSAL OF CHARGE; ADMINISTRATIVE FEE. (a) Defines "working day."

(b) Requires the court to:

(1) dismiss a charge for an offense under Section 681.011(b)(1) (relating to a person committing an offense if a person stands a vehicle on which license plates for a person or veteran with disabilities are not displayed or placard is not displayed designated by a political subdivision or on certain private property in which a political subdivision has provided application) if:

(A) the vehicle displayed a disabled parking placard that was not valid as expired;

(B) the defendant remedies the defect by renewing the expired disabled parking placard within 20 working days from the date of the offense or before the defendant's first court appearance date, whichever is later; and

(C) the disabled parking placard has not been expired for more than 60 days; and

(2) assess an administrative fee not to exceed \$20 when the charge has been remedied.

(c) Authorizes the court to dismiss a charge of unlawfully parking a vehicle in a space designated specifically for persons with disabilities, if at the time of the offense the defendant's vehicle displays a disabled parking placard that has been expired for more than 60 days, notwithstanding Subsection (b)(1)(C).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.