

- SUBJECT:** Revising laws governing parking spaces for people with disabilities
- COMMITTEE:** Transportation — committee substitute recommended
- VOTE:** 8 ayes — Pickett, Phillips, Callegari, Dunnam, Guillen, Harper-Brown, T. Smith, W. Smith
- 0 nays
- 3 absent — Y. Davis, McClendon, Merritt
- WITNESSES:** For — (*Registered, but did not testify:* Sarah Mills, Advocacy, Inc; Ann Travis, City of Houston)
- Against — None
- On — (*Registered, but did not testify:* Rebecca Davio, Texas Department of Transportation)
- BACKGROUND:** Transportation Code, ch. 681 governs privileged parking, including parking for an individual with a disability, as defined in law. The code requires TxDOT to issue a two-sided parking placard with the international symbol of access. A placard that is white on a blue shield is issued to a person with cannot walk without the assistance of a supportive device. A placard that is white on a red shield is issued to a person with any other permanent or temporary disability. The code establishes penalties for the improper use of a disabled placard.
- DIGEST:** CSHB 3095 would allow a peace officer to seize a displayed handicapped parking placard from a person operating a vehicle if the officer determined that the placard did not contain the first four digits of the driver's license number or personal identification number and the initials of a person operating or being transported in the vehicle. A peace officer would submit to TxDOT a seized placard within five days of removing it from a vehicle. The bill would increase fines and community service penalties for a person who had previously been convicted of a related offense for misusing a placard.

The bill also would modify laws governing the administration and use of handicapped placards for parking. The blue placards would be issued exclusively for a person with a permanent disability, while red placards would be issued exclusively for a person with a temporary disability. An application for a permanent handicapped placard would be exempted from the \$5 application fee.

The bill would delete existing requirements that a person who owned or controlled a parking lot restrict half of the designated handicapped parking spaces to those having blue shield placards and would allow an individual with a blue or red shield placard or with a specialty license plate to use parking spaces designated for handicapped parking. The bill would make conforming changes in law to reflect the revised restrictions.

The bill would take effect September 1, 2009, and would apply to an offense committed or parking placard issued on or after that date.

**SUPPORTERS  
SAY:**

CASHB 3095 would implement interim recommendations offered by the House Transportation Committee on parking for individuals with a disability. The recommendations reflected testimony on an increasingly troublesome practice in Texas — the misuse of parking placards issued to people with disabilities. Inappropriate use of these placards presents many problems, the most pressing of which is that a vehicle unlawfully parked in a reserved space can force a legitimate placard-holder to seek parking elsewhere, further from a destination. Reserved parking spaces offer convenient parking close in, and some municipalities also grant free metered parking for vehicles that exhibit a placard, all of which makes misusing such placards a particularly attractive prospect.

CASHB 3095 would address abuses of placards by enhancing fines and other penalties for repeat offenders, creating a more effective deterrent to repeated abuse of these laws. The bill also would allow a peace officer to examine a placard to ensure a match with a person driving or being transported in the vehicle. Amending law to reflect recent practices regarding driver's license numbers or other identifying information would give officers a clear procedure to follow before confiscating a placard. Further, restricting this ability to a peace officer would protect against potentially overzealous enforcement of handicapped parking laws that could result in the confiscation of some legitimately held placards.

The bill also would update statutes to reflect current practices regarding red and blue shield placards and clarify the purposes of each. Most lots do not offer separate parking spaces for red placards, and current statutes make a questionable distinction between people who require mobility devices and others with serious, permanent mobility problems. CSHB 3095 would simplify the meaning of a red and blue placards, and in so doing, ease enforcement of placard misuse.

**OPPONENTS  
SAY:**

CSHB 3095 would not sufficiently expand local governments' ability to commission officers to enforce laws governing the use of handicapped parking placards. The bill authorizes "peace officers" to verify that placard numbers match identifying information of a vehicle's operator and passenger. However, the bill would not allow a local government to give a uniformed parking enforcement officer the authority to enforce laws on placards unless the officer were commissioned as a peace officer. Restricting enforcement authority to peace officers would create familiar barriers stemming from a lack of resources to enforce parking laws. The bill as filed would have addressed this issue by allowing a "person designated by a political subdivision to enforce parking regulations" to seize a misused parking placard.

The bill also would neglect a recommendation made in the interim report of the House Transportation Committee to authorize county prosecutors to pursue cases related to handicapped parking in civil courts, where the burden of proof is more moderate. Some municipalities currently take handicapped-parking cases to civil court — which is also how governments process red light camera cases — but counties do not have corresponding authority to pursue these cases outside criminal proceedings.