

BILL ANALYSIS

Senate Research Center

H.B. 155
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Natural Resources
5/17/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, motor vehicles are prohibited from operating in or on a protected freshwater area. A protected freshwater area is that portion of the bed, bottom, or bank of any navigable river or stream that lies at or below the gradient boundary of the river or stream. There are several exemptions relating to this type of access, but no such exemption exists for a person with a permanent physical impairment that substantially limits one or more of the major life activities of the individual. Because of this restriction, these persons are effectively denied access to Texas rivers in many areas where access by wheelchair or other means is not possible.

This bill exempts a person who has a permanent physical disability that substantially impairs one or more of the major life activities of the person from the prohibition against operating a motor vehicle in or on a protected freshwater area. This bill also requires a person to have a disabled parking placard or license plate, a written statement from a licensed physician documenting the extent of the disability, and that the person only operate the motor vehicle on a part of the freshwater area not covered by water and only for entry to and exit from the water's edge.

H.B. 155 amends current law relating to access to rivers and riverbeds for individuals with physical disabilities.

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. Authorizes this Act to be cited as the Matthew Dukes Act.

SECTION 2. Amends Section 90.003, Parks and Wildlife Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Provides that Section 90.002 (Operation of Motor Vehicle in Protected Freshwater Area Prohibited) does not apply to a state, county, or municipal road right-of-way; a private road crossing established on or before December 31, 2003; or operation of a motor vehicle by certain persons, including a person, subject to Subsection (d), who has a permanent physical disability that substantially impairs one or more of the major life activities of the person.

(d) Provides that a person described by Subsection (a)(3)(J) (relating to a permanent disability):

(1) is required to have in or on the motor vehicle used to access the protected freshwater area a disabled parking placard issued under Section 681.002 (Disabled Parking Placard), Transportation Code, or a license plate issued under Section 504.201 (Persons with Disabilities), Transportation Code;

(2) is required to have in the person's possession a written statement from a licensed physician documenting the extent of the disability; and

(3) is authorized to operate the motor vehicle used to access the protected freshwater area only on a part of the protected freshwater area that is not covered by water and for ingress to or egress from the protected freshwater area or, for the purpose of making a 180-degree turn for egress, within 100 feet upstream or downstream from the point of ingress.

SECTION 3. Effective date: September 1, 2009.