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1996

**Key Texas Laws
Affecting People with
Disabilities**

1996

**Texas Governor's
Committee on People
with Disabilities**

Government Publications
Texas State Documents

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The Governor's Committee on People with Disabilities promotes rights and opportunities of people with disabilities through: promoting implementation of the Americans with Disabilities Act (ADA) in Texas; making short- and long-range recommendations regarding policies, programs, and funding; supporting a network of community-level committees doing similar work; and issuing awards and recognition to entities who empower people with disabilities in Texas.



The Disability Issues Committee of the Texas State Bar, formed in 1992, studies the concerns of Texas lawyers, clients, and members of the public with disabilities and makes recommendations to the Board of Directors of the State Bar about ways in which the role of people with disabilities can be enhanced by improvements in programs and initiatives sponsored by the State Bar.



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About This Booklet

The Governor's Committee on People with Disabilities, with the assistance of the Texas State Bar, Disability Issues Committee, offers this booklet describing Texas laws in 17 key issue areas. Laws in each of these areas are summarized in non-technical terms using a standardized format. The Committee decided to cover laws which impact more than one disability group, and/or which define an enforceable right or benefit rather than laws that establish services or describe general policy without enforcement mechanisms. The choices for the laws covered here were made in hopes of keeping this publication short enough to be useful.

Each issue area contains the following sections:

- **Texas Law:** describes provisions of Texas law that pertain to the issue
- **Texas Legal Citation:** describes statutory citations for the Texas laws
- **Contact:** provides names and phone numbers of Texas state agencies and/or local government with responsibilities for these laws
- **For More Information:** provides information regarding publications available from state agencies
- **Relevant Federal Laws:** lists selected federal laws and the agencies responsible for them
- **Local Ordinances:** describes the potential for local ordinances relevant to the issue

For the actual language and complete text of the Texas laws, please refer to the Texas Legal Citation section and then contact your local library or your state legislator. Contact the Governor's Committee if you have questions regarding laws affecting one particular disability group or laws establishing specific disability services.

The most far-reaching federal law that guarantees rights of people with disabilities is the Americans with Disabilities Act. For more detailed information about this law, contact the Governor's Committee. The Federal Rehabilitation Act of 1973 also guarantees rights of people with disabilities to federally funded programs. Ask your attorney if this law applies to your situation. Citations for federal laws are at the end of this publication.

This booklet is not intended to be an exhaustive analysis of Texas laws affecting people with disabilities. Although every effort has been made to be accurate, the authors do not warrant that the material contained herein is completely free of errors or will be completely accurate. Lawyers and others should verify important statements before relying on them.

The Governor's Committee thanks the Disability Issues Committee of the Texas State Bar for their assistance in reviewing and printing this booklet.

Access to Information

Texas Law

Provides for accessible, available, and usable *telecommunications services* for people with disabilities. Requires state agencies to make available *electronic public information*. Requires electronic access to Texas *legislative information*. Provides for increased *electronic access to library services*. Provides for telephone *interpreting services* for people who can hear, and to speak with people who are deaf, deaf-blind, hard of hearing, or who have speech disabilities.

Texas Legal Citation

Telecommunications Access:

Vernon's Annotated Tex. Civil Statutes, Article 1446C-0, Section 3.001 and 3.002

Electronic Public Information:

Tex. Government Code, Chapter 552

Legislative Information:

Tex. Government Code, Chapter 306.005 and 306.006

Electronic Library Information:

Tex. Government Code Section 441

Interpreting Services:

Vernon's Annotated Tex. Civil Statutes, Article 1446C-0, Section 3.604

Contact

- (1) Telecommunications Infrastructure Fund:
(512) 463-2000
- (2) Texas State Library and Archives
Commission:
(512) 463-5455
- (3) Texas Legislative Council:
(512) 463-1151
- (4) Texas Public Utility Commission:
(Relay Texas Customer Services)
(800) 676-3777 (Voice/TDD)

For More Information

Texas Public Utility Commission
(Relay Texas Customer Services),
For various Relay Texas brochures contact:
(800) 676-3777 (Voice/TDD)

Relevant Federal Laws

- (1) Telecommunications Act of 1996,
Federal Communications Commission
(202) 514-1000
- (2) Americans with Disabilities Act,
Federal Communications Commission:
(202) 418-0190
(202) 418-2555 (TDD)
- (3) Technology-Related Assistance for
Individuals with Disabilities Act of 1988

Local Ordinances

None

Assistance Dogs

Texas Law

Requires that people with disabilities who use assistance dogs be admitted to public facilities, be admitted on transportation carriers, and that they have full and equal access to housing accommodations. Extra compensation may not be required for such dogs, but the user is liable for any damages caused by the dog. To be recognized as assistance dogs, they must be trained by organizations generally recognized as reputable and competent by agencies involved in rehabilitation of people with disabilities. Offenses are punishable by fines of not less than \$300 and not more than \$1,000. Provisions are available for time off from work for state employees to attend training to receive an assistance dog.

Texas Legal Citation

- (1) Tex. Human Resources Code, Section 121
- (2) 74th Texas Legislature, Appropriations Act, Article IX, Section 8, number 12

Contact

(1) Offenses:

local law enforcement agencies.

(2) Reputability of Training Organizations,

(A) Texas Rehabilitation Commission:

(512) 483-4136

(B) Texas Commission for the Blind:

(800) 252-5204

For More Information

Texas Commission for the Blind,

request the booklet *Anywhere You Take Your Eyes,*

I Can Take My Dog Guide:

(800) 252-5204

Relevant Federal Laws

(1) Americans with Disabilities Act,

U.S. Department of Justice:

(800) 514-0301

(800) 514-0383 (TDD)

(2) Fair Housing Act of 1988:

(800) 669-9777

Local Ordinances

None

Building Accessibility

Texas Law

Requires architectural accessibility of buildings and facilities and requires submission and approval of building plans and site inspections of:

- Government-funded buildings constructed or renovated after January 1, 1971
- State-leased buildings after January 1, 1972
- Privately-funded public accommodations built or renovated after January 1, 1991 (hotels/motels, restaurants, theaters, auditoriums, shopping centers, sales/rental establishments, transportation terminals, museums, parks, schools, day-care centers, and gyms)
- Privately-funded commercial buildings built or renovated after September 1, 1995

Texas Legal Citation

(1) Vernon's Annotated Tex. Civil Statutes, Article 9102

(2) Texas Administrative Code, Chapter 68

Contact

Texas Department of Licensing and Regulation,
Plan Review Information:

(512) 463-3211

Complaints:

(800) 252-8026

For More Information

None

Relevant Federal Laws

(1) Americans with Disabilities Act,
P.L. 101-336,

U.S. Department of Justice:

(800) 514-0301

(800) 514-0383 (TDD)

(2) Federal Architectural Barriers Law,

(A) Federal Access Board:

(800) 872-2253

(800) 993-2822 (TDD)

(B) IRS Incentives:

(800) 829-1040

(800) 829-4559 (TDD)

Local Ordinances

Many local municipalities have adopted model building codes and/or local ordinances, which may address accessibility standards.

Call your local mayor's office for more information.

Compensation for Injured Workers

Texas Law

Provides for reimbursement of medical expenses and lost wages due to an injury on the job, or a work-related disease or illness. Benefits are available only if the employer has workers' compensation insurance or is self-insured. Some lost wages may be replaced if the work-related injury or illness causes the loss of some or all of the worker's wages for more than seven days. The injury or illness must be reported to the employer within 30 days. Various deadlines and restrictions apply.

Texas Legal Citation

Texas Labor Code, Title 5

Contact

Texas Workers' Compensation Commission,
information/workplace safety:
(800) 452-9595

For more Information

Texas Worker's Compensation Commission, request
the brochure *Your Rights as an Injured Worker*.
(800) 452-9595

Relevant Federal Laws

Americans with Disabilities Act,
(A) Equal Employment Opportunity
Commission:

(800) 669-3362

(800) 669-6820 (TDD)

(B) President's Committee on Employment
of People with Disabilities,
Job Accommodation Network:

(800) 526-7234 (Voice/TDD)

(C) IRS Incentives:

(800) 829-1040

(800) 829-4559 (TDD)

Local Ordinances

None

Education

Texas Law

Provides for the free, appropriate *public education* of students with disabilities including assessment, services, procedures, and student/parent rights.

Law relating to *higher education* provides for accommodations and certain exemptions in required educational tests.

Texas Legal Citation

Public Education:

Tex. Education Code, Title 2, Chapter 30, Section 30.001

Higher Education:

Tex. Education Code Section 51.306

Contact

- (1) Texas Education Agency,
Information:
(512) 463-9290
Complaints:
(800) 252-9668
- (2) Higher Education Coordinating Board:
(512) 483-6330

For More Information

- (1) Texas Education Agency,
request the latest version of the *State Board of Education
and Commissioner's Rules on Special Education*:
(512) 463-9290
- (2) Higher Education Coordinating Board,
request the brochure *Special Testing Accommodations,
Questions, and Answers*:
(512) 483-6330

Relevant Federal Laws

- (1) Individuals with Disabilities Education Act,
Office of Special Education Programs:
(202) 205-5507
- (2) Americans with Disabilities Act,
U.S. Department of Justice:
(800) 514-0301
(800) 514-0383 (TDD)

Local Ordinances

School districts and individual institutions of higher education have policies implementing state and federal laws.

Employment Protection

Texas Law

Provides for protection against discrimination in employment based on disability when employers have 15 or more employees. For private employers, complaints must be filed with the appropriate administrative entity within 180 days after the alleged discrimination. Inquire about administrative requirements that may be relevant to your situation. Alternative dispute resolution is available.

Texas Legal Citation

Vernon's Texas Statutes and Codes Annotated, Labor Code, Title 2, Subchapter B, Section 21.051 - 21.061

Contact

Texas Commission on Human Rights:
(512) 837-8534

For More Information

None

Relevant Federal Laws

- (1) Americans with Disabilities Act,
 - (A) Equal Employment Opportunity Commission:
 - (800) 669-3362
 - (800) 669-6820 (TDD)
 - (B) President's Committee on Employment of People with Disabilities, Job Accommodation Network:
 - (800) 526-7234 (Voice/TDD)
 - (C) IRS:
 - (800) 829-1040
 - (800) 829-4559 (TDD)
- (2) Family Medical Leave Act, Department of Labor:
 - (214) 767-6895

Local Ordinances:

Some cities have equal employment protection ordinances that include people with disabilities:

Call your local mayor's office for more information.

Guardianship

Texas Law

Provides a legal system for assigning a guardian for people who are incapacitated. Each guardianship is tailor-made to provide only the specific assistance needed by such persons while preserving their rights and independence. The process has many legal requirements and can be expensive, complex, and slow. An attorney must file an application for guardianship with a probate court clerk to begin the legal process.

Texas Legal Citation

- (1) Tex. Government Code, Section 81.114 and 22.013
- (2) Tex. Probate Code, Section 770 and 603

Contact

Texas Probate Court

For More Information

None

Relevant Federal Laws

None

Local Ordinances

None

Housing

Texas Law

Provides protection against *housing discrimination* based on disability. Includes reasonable modification to common use areas as necessary for people with disabilities and changes in rules, policies, or practices to make housing usable by people with disabilities.

Requires a specified percentage of the units in publicly-funded, *multi-family housing* (apartments) built after 1969, to be accessible. The percentage of required units depends on the total number of living units available. No state requirements exist for privately-funded, multi- or single-family dwellings.

Texas Legal Citation

Housing Discrimination:

Texas Property Code, Chapter 301, Section 301.025

Multi-Family Housing:

(A) Vernon's Annotated Tex. Civil Statutes, Article 9102

(B) Texas Administrative Code, Chapter 68

Contact

- (1) Texas Department of Licensing and Regulation:
(800) 252-8026
- (2) Texas Commission on Human Rights:
(512) 837-8534
- (3) Texas Department of Housing and Community Affairs:
(512) 475-3800

For More Information

Texas Commission on Human Rights,
request the brochure *Equal Housing Opportunity Law*.
(512) 837-8534

Relevant Federal Laws

Fair Housing Act of 1988:
(800) 669-9777

Local Ordinances

Some cities have accessibility features in the building code, assistance in home-buying, housing rehabilitation, and other areas:

Call your local mayor's office for more information.

Insurance

Texas Law

Provides that an insurance company cannot deny or limit coverage, charge more for coverage, or refuse to renew a policy if the company is not able to prove that the person with a disability presents a higher risk. This risk must be established based on valid evidence and the company may not reject a person with a disability if the risk is no greater than that of other consumers they are willing to insure. Contact your company or insurance agent in writing and ask for reasons for policy or claim denials.

Texas Legal Citation

Texas Insurance Code, Article 21.21, Sections 21.21-3 and 21.21-5

Contact

(1) Texas Department of Insurance:

(800) 252-3439

(2) Office of Public Insurance Council:

(512) 322-4143

For More Information

Texas Department of Insurance, request the brochure
What Texans with Disabilities Should Know About Insurance:

(800) 252-3439

Relevant Federal Laws

Americans with Disabilities Act,

(A) U.S. Department of Justice:

(800) 514-0301

(800) 514-0383 (TDD)

(B) Equal Employment Opportunity
Commission:

(800) 669-3362

(800) 669-6820 (TDD)

Local Ordinances

None

Medical Directives

Texas Law

Provides for designation of an individual to make health care decisions if a doctor certifies that an individual is unable to do so. Unless otherwise stated, such a "health care power of attorney" gives the authority to make any and all health care decisions in accordance with the individual's wishes. An agent may consent, refuse, withdraw, or withhold treatment including life-sustaining services. This health care power of attorney must be completed while the individual is able to make the needed decisions.

Texas Legal Citation

Tex. Civil Practices and Remedies Code, Section 135.002

Contact

Texas Department on Aging:
(512) 444-2727

For More Information

None

Relevant Federal Laws

None

Local Ordinances

None

Protections for People with Mental Illness or Mental Retardation

Texas Law

Protections afforded people with *mental illness* include the right to learn of their rights, and the right to see the information in their medical records.

Provides for rights of people with *mental retardation* such as the right to participate in the development of an individualized treatment plan and the right to live in an environment which allows one to make as many decisions as possible.

Texas Legal Citation

Mental Illness:

Tex. Health and Safety Code, Subtitle C, Chapters 571-577

Mental Retardation:

Tex. Health and Safety Code, Subtitle C, Chapters 591-596

Contact

- (1) Texas Department of Mental Health
and Mental Retardation:
(800) 252-8154
- (2) Texas Rehabilitation Commission,
Texas Planning Council on Developmental Dis-
abilities:
(512) 483-4080

For More Information

Texas Department of Mental Health and Mental Re-
tardation, request the latest edition of *Texas Laws
Relating to Mental Health and Mental Retardation; Your
Rights Under the Mentally Retarded Persons Act; or Mental
Illness, a Family Point of View*:
(800) 252-8154

Relevant Federal Laws

- (1) Comprehensive State Mental Health Planning Act
of 1986
- (2) Developmental Disabilities Assistance and Bill of
Rights Act
- (3) Civil Rights of Institutionalized Persons Act

Local Ordinances:

None

Parking and Buying Gas

Texas Law

Provides that certain persons with disabilities, or persons who transport them, are eligible for disabled placards and/or license plates from the county tax collector. This identification entitles them to park at no charge in metered spaces, parking lots, and garages operated by certain governmental entities.

Time-limited placards are available to persons with temporary disabilities. People with disabilities from other states or countries with identification displaying the international access symbol are eligible for these parking privileges. Veterans with disabilities also have certain parking privileges, although to park free they must have a placard and/or license plate as described above.

The Texas placards or license plates also allow people with disabilities to receive fuel pumping services (refueling) for self-service prices at stations where both services are available.

Texas Legal Citation

Disabled Parking:

Vernon's Annotated Tex. Civil Statutes, Article 6675a-5e.1

Refueling:

Vernon's Annotated Tex. Civil Statutes, Article 8613

Contact

Improper parking:

local law enforcement agencies

Abuse of placards:

local law enforcement agencies

Refueling:

(A) local law enforcement agencies

(B) Office of the Attorney General,

Consumer Protection:

(800) 621-0508

Designation of spaces:

Department of Licensing and

Regulation

see "Building Accessibility" section

For More Information

Texas Department of Transportation, request the brochure *Basic Facts for Disabled Persons*:

(512) 465-7923

Relevant Federal Laws

Americans with Disabilities Act,

U.S. Department of Justice:

(800) 514-0301

(800) 514-0383 (TDD)

Property Tax Exemption

Texas Law

Provides for property tax exemptions for people with disabilities who cannot gainfully work. Homeowners with disabilities who qualify can receive a \$10,000 exemption from school taxes in addition to the \$5,000 exemption for all homeowners. Veterans with disabilities may qualify for property tax (home or other property) ranging from \$1,500 to \$3,000 depending on the severity of the disability. Contact your local appraisal district after January 1 and before April 30.

Texas Legal Citation

Tex. Tax Code, Sections 11.13 and 11.22

Contact

Texas Comptroller of Public Accounts:

(800) 252-9121

(800) 248-4099 (TDD)

For More Information

Texas Comptroller of Public Accounts, request the brochure *Taxpayers' Rights, Remedies, and Responsibilities*:

(800) 252-5555

(800) 248-4099 (TDD)

Relevant Federal Laws

None

Local Ordinances

Any taxing unit can offer an exemption of at least \$3,000 from the home value of taxpayers with disabilities.

Safety and Protection from Abuse or Neglect

Texas Law

Provides for the protection of people with disabilities from abuse, neglect or exploitation. Requires reporting by anyone suspecting such treatment. Mandates investigations of reports within 24 hours. If abuse, neglect, or exploitation is confirmed, services can be provided to increase the safety of the person with a disability.

Texas Legal Citation

Tex. Human Resources Code, Chapter 48, Sections 48.036 and 48.038

Contact

Department of Protective and Regulatory Services:
(800) 252-5400

For More Information

None

Relevant Federal Laws

None

Local Ordinances

None

Sales Tax Exemptions

Texas Law

Allows people with disabilities to purchase certain *items and services* tax free. Repair, maintenance, and/or modification of exempt items are also exempt. Examples of exempt items: equipment for producing braille or enlarging print; hearing aids and telecommunication devices for the deaf; wheelchairs; crutches; walkers; and support dogs, equipment, and food for them. To document that the sale is exempt from sales tax, the purchaser must give the seller a prescription or a tax exemption certificate available from the Texas Comptroller of Public Accounts.

Vehicles that are modified to be driven by, or to transport, people with orthopedic disabilities are exempt from the motor vehicles use and sales tax. *Modifications* made to vehicles to accommodate such persons are also exempt. To receive these exemptions, the purchaser must complete the Title Application Tax Affidavit Form, available from the Texas Comptroller of Public Accounts.

Texas Legal Citations

Items and Services:

Tex. Tax Code, Section 150.313, Rule 3.284

Vehicles/Modifications:

Tex. Tax Code, Section 151.086 and 152.213

Contact

Texas Comptroller of Public Accounts:

(800) 252-5555

(800) 248-4099 (TDD)

For More Information

Texas Comptroller of Public Accounts, request the brochure *State Tax Exemptions for People with Disabilities*:

(800) 252-5555

(800) 248-4099 (TDD)

Relevant Federal Laws

None

Local Ordinances

None

Transportation

Texas Law

Provides for the establishment and general operations of metropolitan and rural transit authorities. There are approximately seven urban and 42 rural transportation authorities and 300 public/private transportation providers. No state law provides for rights or access in this area; however, federal law does make access requirements.

Texas Legal Citation

Vernon's Annotated Tex. Civil Statutes, Article 1118z-1 and 6663c-1

Contact

Texas Department of Transportation,
Public Transportation Division:
(512) 416-2810

For More Information

None

Relevant Federal Laws

- (1) Americans with Disabilities Act,
U.S. Department of Transportation,
Public Transportation:
(202) 366-1656
Railroads:
(202) 366-0686
- (2) Air Carrier Access Act,
U.S. Department of Transportation:
(202) 366-4859

Local Ordinances

Some cities/counties have a transportation authority.
Call your local mayor's office for more information.

Voting

Texas Law

Requires that *polling* places be free from any barriers that would keep a person with a disability from reaching the voting station. Provides for access to *precinct conventions*. Provides for assistance in reading the ballot and/or *voting*. Allows the use of language interpreters, including sign language *interpreters* for voters who cannot communicate in English. Provides for ballots to be brought to the curb, or polling place entrance, if the voter cannot enter. Provides a system for *early voting* by mail. Various deadlines and restrictions apply in the above provisions.

Voter registration is done through your county tax assessor/voter registrar, or with assistance from state human service agencies. You may also register to vote when obtaining or renewing your driver's license or ID card.

Texas Legal Citations

Texas Election Code,

Polling/Precinct Conventions Accessibility: Section 43.034

Voting Assistance: Sections 64.031-64.037

Interpreters: Sections 61.031-61.036

Curbside Voting: Section 64.009

Early Voting by Mail: Title 7, Section 84.007 - 84.009

Registration: Title 2, Chapters 13 and 20

Contact

(1) Secretary of State,
Information:

(800) 252-VOTE (252-8683)

(2) Registration:

local county tax assessor/voter registrar

For More Information

Secretary of State, request the brochure *Services Available to Voters with Special Needs*.

(800) 252-VOTE (252-8683)

Relevant Federal Laws

(1) Americans with Disabilities Act

U.S. Department of Justice

(800) 514-0301

(800) 514-0383 (TDD)

(2) National Voter Registration Act,

Federal Elections Commission:

(800) 424-9530

(3) Voting Accessibility for the Elderly
and Handicapped Act of 1984,

Federal Elections Commission:

(800) 424-9530

Local Ordinances:

None

Resources

For addresses of elected/appointed officials call the Governor's Hotline:

(800) 252-9600

Persons who are deaf or hard of hearing can access the Governor's Hotline by using Relay Texas:

(800) relay-vv (voice)

(800) relay-tx (TDD)

Advocacy, Inc.,

a non-profit corporation funded under three separate federal laws to protect the legal rights of people with developmental disabilities, people with mental illness, and people who are or have applied to be clients of the state vocational rehabilitation system:

(800) 223-4206

For information about federal laws, request the publication *Summary of Existing Legislation Affecting People with Disabilities*, Office of Special Education and Rehabilitation Services:

(202) 205-8241

Legal Citations for Relevant Federal Laws

- (1) Americans with Disabilities Act,
P.L. 101-336
- (2) Air Carrier Access Act of 1986,
P.L. 99-435
- (3) Architectural Barriers Act of 1968,
P.L. 90-480
- (4) Civil Rights of Institutionalized Persons Act,
P.L. 96-247
- (5) Comprehensive State Mental Health Planning
Act,
P.L. 99-660
- (6) Developmental Disabilities Assistance
and Bill of Rights Act,
P.L. 94-103 as amended
- (7) Fair Housing Act of 1988,
P.L. 100-430
- (8) Family and Medical Leave Act of 1993,
P.L. 101-3
- (9) Individuals with Disabilities Education Act,
P.L. 101-476
- (10) National Voter Registration Act,
P.L. 103-31
- (11) Rehabilitation Act of 1973,
P.L. 93-112, as amended
- (12) Technology-related Assistance for Individuals
with Disabilities Act of 1988,
P.L. 100-407
- (13) Telecommunications Act of 1996
P.L. 104-104
- (14) Voting Accessibility of the Elderly
and Handicapped Act of 1984,
P.L. 98-435

Texas Governor's Committee on People with Disabilities

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This document is available in the following accessible formats: braille, large print, audio (cassette) tape, or computer disk.

The Governor's Committee is an equal opportunity employer. The Governor's Committee does not discriminate on the basis of race, color, national origin, religion, sex, age, or disability.

Texas Governor's Committee on People with Disabilities

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