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AN ACT

1
2 relating to the penalties for the illegal use of a parking space or
3 area designated specifically for persons with disabilities and to
4 the unauthorized use of a disabled parking placard.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subsections (h), (i), (j), and (k), Section
7 681.011, Transportation Code, are amended to read as follows:

8 (h) If it is shown on the trial of an offense under this
9 section that the person has been previously convicted one time of an
10 offense under this section, the offense is punishable by:

11 (1) a fine of not less than \$500 [~~\$300~~] or more than
12 \$800; and

13 (2) 10 hours of community service [~~\$600~~].

14 (i) If it is shown on the trial of an offense under this
15 section that the person has been previously convicted two times of
16 an offense under this section, the offense is punishable by:

17 (1) a fine of not less than \$550 [~~\$300~~] or more than
18 \$800 [~~\$600~~]; and

19 (2) [~~not less than 10 or more than~~] 20 hours of
20 community service.

21 (j) If it is shown on the trial of an offense under this
22 section that the person has been previously convicted three times
23 of an offense under this section, the offense is punishable by:

24 (1) a fine of not less than \$800 [~~\$500~~] or more than

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1 \$1,100 [~~\$1,000~~]; and

2 (2) 30 [~~not less than 20 or more than 50~~] hours of
3 community service.

4 (k) If it is shown on the trial of an offense under this
5 section that the person has been previously convicted four times of
6 an offense under this section, the offense is punishable by a fine
7 of \$1,250 [~~\$1,000~~] and 50 hours of community service.

8 SECTION 2. Section 681.012, Transportation Code, is amended
9 by adding Subsections (a-1) and (a-2) and amending Subsection (b)
10 to read as follows:

11 (a-1) A peace officer may seize a disabled parking placard
12 from a person who operates a vehicle on which a disabled parking
13 placard is displayed if the peace officer determines by inspecting
14 the person's driver's license or personal identification
15 certificate that the disabled parking placard does not contain the
16 first four digits of the driver's license number or personal
17 identification certificate number and the initials of:

18 (1) the person operating the vehicle; or

19 (2) a person being transported by the vehicle.

20 (a-2) A peace officer shall submit each seized parking
21 placard to the department not later than the fifth day after the
22 seizure.

23 (b) On submission to the department under Subsection (a) or
24 (a-2), a placard is revoked. On request of the person from whom the
25 placard was seized, the department shall conduct a hearing and
26 determine whether the revocation should continue or the placard
27 should be returned to the person and the revocation rescinded.

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over

1 SECTION 3. (a) The change in law made by this Act applies
2 only to an offense committed on or after September 1, 2009.

3 (b) An offense committed before September 1, 2009, is
4 covered by the law in effect when the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this subsection, an offense was committed before September 1, 2009,
7 if any element of the offense was committed before that date.

8 SECTION 4. This Act takes effect September 1, 2009.

Class
Date

S.B. No. 52

David Newkirk

President of the Senate

Jim Strawn

Speaker of the House

I hereby certify that S.B. No. 52 passed the Senate on March 18, 2009, by the following vote: Yeas 30, Nays 1; May 29, 2009, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Lacey Graw

Secretary of the Senate

I hereby certify that S.B. No. 52 passed the House, with amendments, on May 27, 2009, by the following vote: Yeas 147, Nays 1, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 92, Nays 50, one present not voting.

Robert Haney

Chief Clerk of the House

Approved:

19 JUN 09

Date

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2 PM O'CLOCK

JUN 19 2009

Rick Perry

Governor

Colby Shorter III