

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009

Date

Honorable David Dewhurst
President of the Senate


Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

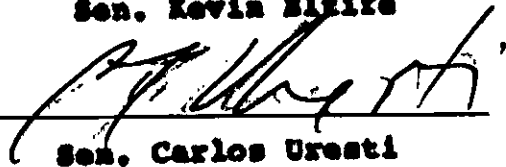
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 52 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



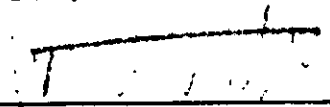
Sen. John Carona




Sen. Kevin Eltife



Sen. Carlos Uresti

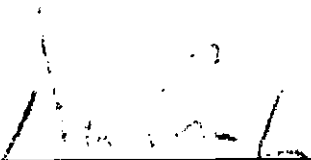


Sen. Jeff Wentworth



On the part of the Senate

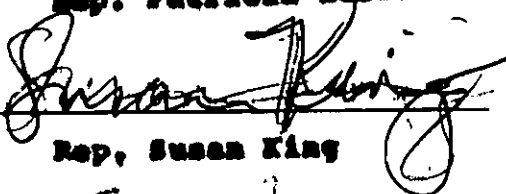
Sen. Judith Saffirini




Rep. Dan Branch




Rep. Patricia Harless



Rep. Susan King



Rep. John Servas



On the part of the House

Rep. Garnet Coleman

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 52

A BILL TO BE ENTITLED

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.

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

5 SECTION 1. Sections 681.011, (g), (h), (i), (j), and (k),
6 Transportation Code, are amended to read as follows:

7 (g) Except as provided by Subsections (h)-(k), an offense
8 under this section is a misdemeanor punishable by a fine of not less
9 than \$250 or more than \$500.

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

13 (1) a fine of not less than \$500 [~~\$300~~] or more than
14 \$800; and

15 (2) 10 hours of community service [~~\$600~~].

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

19 (1) a fine of not less than \$550 [~~\$300~~] or more than
20 \$800 [~~\$600~~]; and

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

23 (j) If it is shown on the trial of an offense under this
24 section that the person has been previously convicted three times

1 of an offense under this section, the offense is punishable by:

2 (1) a fine of not less than \$800 [~~\$500~~] or more than
3 \$1,100 [~~\$1,000~~]; and

4 (2) 30 [~~not less than 20 or more than 50~~] hours of
5 community service.

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

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

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

- 20 (1) the person operating the vehicle; or
21 (2) a person being transported by the vehicle.

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

25 (b) On submission to the department under Subsection (a) or
26 (a-2), a placard is revoked. On request of the person from whom the
27 placard was seized, the department shall conduct a hearing and

1 determine whether the revocation should continue or the placard
2 should be returned to the person and the revocation rescinded.

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

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

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

Senate Bill 52
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

No equivalent provision.

SECTION __. Section 504.201, Transportation Code, is amended by amending Subsection (d) and adding Subsection (i) relating to the initial application for specialty license plates for vehicles used by persons with a mobility impairment.

Same as Senate version.

No equivalent provision.

SECTION __. Section 681.003, Transportation Code, is amended by amending Subsection (c) and adding Subsection (f) relating to the first application for a disabled parking placard.

Same as Senate version.

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

SECTION 1. Sections 681.011, (g), (h), (i), (j), and (k), Transportation Code, are amended to read as follows:

SECTION 1. Same as House version.

(g) Except as provided by Subsections (h)-(k), makes an offense under this section a misdemeanor punishable by a fine of not less than **\$500 or more than \$750**.

(g) Except as provided by Subsections (h)-(k), makes an offense under this section a misdemeanor punishable by a fine of not less than **\$250 or more than \$500**.

(h) If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, makes the offense is punishable by (1) a fine of not less than **\$550** or more than **\$800**, and (2) 10 hours of community service.

(h) If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, makes the offense is punishable by (1) a fine of not less than **\$500** or more than **\$800**, and (2) 10 hours of community service.

(i) If it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, makes the offense punishable by (1) a fine of not less than **\$550** or

(i) If it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, makes the offense punishable by (1) a fine of not less than **\$550** or

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Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

more than \$800 and (2) not less than 20 *or more than 30* hours of community service.

(j) If it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, the offense is punishable by (1) a fine of not less than \$800 or more than \$1,100, and (2) 50 hours of community service.

No equivalent provision.

No equivalent provision.

HOUSE VERSION

more than \$800, and (2) 20 hours of community service.

(j) If it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, the offense is punishable by (1) a fine of not less than \$800 or more than \$1,100 and (2) 30 hours of community service.

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

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

(a-1) Authorizes a peace officer to seize a disabled parking placard from a person who operates a vehicle on which a disabled parking placard is displayed if the peace officer determines by inspecting the person's driver's license or personal identification certificate that the disabled parking placard does not contain the first four digits of the driver's license number or personal identification certificate number and the initials of (1) the person operating the vehicle, or (2) a person being transported by the vehicle.

CONFERENCE

SECTION 2. Same as House version.

Senate Bill 52
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

HOUSE VERSION

CONFERENCE

(a-2) Requires a peace officer to submit each seized parking placard to the department not later than the fifth day after the seizure.

(b) Makes a change to conform to addition of (a-2).

SECTION 2. Saving provision.

SECTION 3. Same as Senate version.

SECTION 3. Same as Senate version.

SECTION 3. Effective date.

SECTION 4. Same as Senate version.

SECTION 4. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB52 by Zaffirini (Relating to the penalties for the illegal use of a parking space or area designated specifically for persons with disabilities.), Conference Committee Report

No fiscal implication to the State is anticipated.

The bill would increase the fines and number of community service hours that could be imposed for illegal use of a parking space or area designated specifically for persons with disabilities.

The bill would amend Section 681.012 of the Transportation Code relating to use procedures, enforcement, and punishments associated with disabled parking placards. The Texas Department of Transportation (TxDOT) reports the agency would incur administrative responsibilities related to implementation. Based on the analysis by TxDOT, it is assumed that associated costs could be absorbed within existing resources.

Revenue gains would depend on the number of offenses cited and the discretion of the judge in imposing the amount of the fine.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, KJG, DB