

1 International Symbol of Access or a disabled parking placard may lawfully park in disabled parking
2 spaces under Transportation Code §§681.008, 681.009. and 681.011.

3 The statutory requirements for a disabled person under Transportation Code §504.201
4 differ from the requirements to qualify as a disabled veteran under Transportation Code §504.202.
5 As such, it is possible that not all persons who qualify for a disabled veteran license plate will
6 meet the requirement in Transportation Code §504.202(b-1) and be able to obtain license plates
7 bearing the International Symbol of Access or disabled parking placards.

8 Section 217.41(b)(2)(A) is also amended to establish satisfactory proof of eligibility for an
9 organization that under Transportation Code §504.202(c) transports disabled veterans who would
10 qualify for license plates issued under Transportation Code §504.202(b-1), as required in
11 Transportation Code §504.202(b-2). As amended, §217.41(b)(2)(A) includes the certification
12 requirements in Transportation Code §504.202(d) and adds a requirement for the certifying
13 authority, the veteran's county service officer of the county in which a vehicle described by
14 Transportation Code §504.202(c) is registered or the Department of Veterans Affairs certify that
15 the vehicle regularly transports veterans that would qualify for license plates under Transportation
16 Code §504.202(b-1). The department considers that Transportation Code §504.202(b-2) requires
17 transportation on a regular but not constant basis.

18 Section 217.41(b)(2)(B) and (C) are amended to recognize that a disabled veteran may
19 qualify for certain military specialty license plates under §217.43. Also, the terms "Disabled
20 Person" and "International Symbol of Access" are restated for consistent usage in the section.

21 Section 217.41(b)(3)(A) is amended to inform the reader of the Transportation Code
22 sections that establish requirements for the issuance of disabled parking placards. Section
23 217.41(b)(3)(B) is amended to inform the reader of department rules that have provisions related
24 to the renewal of regular, military, and specialty license plates.

1 The department also proposes nonsubstantive changes for department style, including
2 adding lead statements in §217.41(b)(2)(B) and (C); changing the term "Disabled Person" to
3 "disabled person" throughout §217.41; and adding "tax assessor-collector" to references to
4 "county" in §217.41(d)(1)(B) and (e)(1)(B) for consistency with other references in the
5 subsections. Finally, the department proposes as a nonsubstantive change that all references in
6 the section to the parking placard be styled "disabled parking placard," for consistency with the
7 terminology in Transportation Code §504.201 and §504.202, and Chapter 681.

8 **FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Sergio Rey, Assistant
9 Chief Financial Officer, has determined that for each year of the first five years the proposed new
10 section will be in effect, there will be no revenue impact, only a one-time technology cost of \$8,000
11 in the first year to implement programming for the department's automated systems. Therefore,
12 for each year of the first five years the proposed amendments will be in effect, there will be no
13 fiscal impact to state or local governments as a result of the enforcement or administration of the
14 proposal.

15 Roland D. Luna, Sr., Director of the Vehicle Titles and Registration Division, has
16 determined that there will be no measurable effect on local employment or the local economy as
17 a result of the proposal.

18 **PUBLIC BENEFIT AND COST NOTE.** Mr. Luna has also determined that, for each year of the
19 first five years the proposed new section is in effect, the public benefits include establishing rules
20 to implement SB 792, which limits access to disabled parking to those persons, including disabled
21 veterans, with mobility issues and qualifying under Transportation Code §504.201 to receive
22 license plates with the International Symbol of Access or disabled parking placards.

23 Mr. Luna anticipates that there will be no additional costs on a regulated person to comply
24 with these rules because the rules do not establish any additional requirements on a regulated
25 person, except for setting the requirement for satisfactory proof of eligibility for an organization

1 that transports disabled veterans who would qualify for license plates issued as required under
2 Transportation Code §504.202(b-2). In setting the requirement for satisfactory proof of eligibility,
3 the department has referred to persons already authorized to provide a certification under
4 Transportation Code §504.202(d) and requires only information that should be within the existing
5 knowledge of the organization making the request to the certifying authority. The department does
6 not regulate the means that a county service officer or the Department of Veterans Affairs would
7 make the determination that an organization qualifies under Transportation Code §504.202(b-2),
8 or existing Transportation Code §504.202(c). Cost to individuals and organizations desiring to
9 obtain replacement license plates are not a result of the proposed rules but result from SB 792.

10 **ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** As required
11 by Government Code, §2006.002, the department has determined that the proposed amended
12 section will not have an adverse economic effect on small businesses, micro-businesses, or rural
13 communities because the proposal amends §217.41 to comply with statute and imposes no
14 requirements not specified in statute other than the means for an organization to provide
15 satisfactory proof of eligibility, which the department is required to create under Transportation
16 Code §504.202(b-2). That means of proof relies on the statutory certification requirement in
17 Transportation Code §504.202(d) with an additional statement certifying that the organization
18 regularly transports disabled veterans who would qualify for license plates issued under
19 Transportation Code §504.202(b-1). The department does not regulate the means that a county
20 service officer or the Department of Veterans Affairs would determine that an organization
21 qualifies under Transportation Code §504.202(b-1), or existing Transportation Code §504.202(c).
22 The department has determined that the proposed amended section will not have a financial
23 effect, on any small businesses, micro-businesses, or rural communities. Therefore, the
24 department is not required to prepare a regulatory flexibility analysis under Government Code
25 §2006.002.

1 **TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property
2 interests are affected by this proposal and that this proposal does not restrict or limit an owner's
3 right to property that would otherwise exist in the absence of government action and, therefore,
4 does not constitute a taking or require a takings impact assessment under Government Code,
5 §2007.043.

6 **GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that each
7 year of the first five years the proposed new section is in effect, the proposed rule:

8 will not create or eliminate a government program;

9 will not require the creation of new employee positions or the elimination of existing
10 employee positions;

11 will not require an increase or decrease in future legislative appropriations to the
12 department;

13 will not require an increase or decrease in fees paid to the department;

14 will not create new regulation;

15 will expand existing regulations to implement Transportation Code §504.202(b-1) and
16 (b-2) and other amended sections as added by SB 792;

17 will not repeal existing regulations;

18 will not increase or decrease the number of individuals subject to the rule's applicability;

19 and

20 will not positively or adversely affect the Texas economy.

21 **REQUEST FOR PUBLIC COMMENT.**

22 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on
23 September 20, 2021. A request for a public hearing must be sent separately from your written
24 comments. Send written comments or hearing requests by email to rules@txdmv.gov or by mail
25 to Office of General Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin,

1 Texas 78731. If a hearing is held, the department will consider written comments and public
2 testimony presented at the hearing.

3 **STATUTORY AUTHORITY.** The department proposes amendments to §217.41 under
4 Transportation Code §§504.202, 504.0011, and 1002.001.

5 Transportation Code §504.202(b-2) requires the department to adopt rules prescribing
6 satisfactory proof of eligibility for an organization that registers a motor vehicle under
7 Transportation Code §504.202(c) to receive license plates under Transportation Code
8 §504.202(b-1) if the vehicle regularly transports veterans who are eligible to receive license
9 plates under Subsection (b-1).

10 Transportation Code §504.0011 authorizes the board to adopt rules to implement and
11 administer Transportation Code Chapter 504.

12 Transportation Code §1002.001, authorizes the board to adopt rules that are necessary
13 and appropriate to implement the powers and the duties of the department.

14 **CROSS REFERENCE TO STATUTE.** Transportation Code §§502.410, 504.202, 681.004,
15 681.008, 681.009, and 681.011.

16 **TEXT.**

17 **SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**

18 **43 TAC §217.41**

19 **§217.41 Disabled Person License Plates and Disabled Parking ~~[Identification]~~ Placards**

20 (a) Purpose. Transportation Code, Chapters 504 and 681, charge the department with
21 the responsibility for issuing specially designed license plates and disabled parking
22 ~~[identification]~~ placards for disabled persons. For the department to perform these duties
23 efficiently and effectively, this section prescribes the policies and procedures for the application,
24 issuance, and renewal of disabled person ~~[Disabled Person]~~ license plates and disabled parking
25 placards.

1 (b) Issuance.

2 (1) For purposes of this section, "disabled person" means a person eligible for
3 issuance of a license plate bearing the International Symbol of Access under Transportation
4 Code §504.201, including a qualifying disabled veteran under §504.202(b-1).

5 (2) [(4)] Disabled person [Person] license plates.

6 (A) Eligibility. In accordance with Transportation Code [,] §504.201 and
7 §504.202(b-1) and (b-2), the department will issue specially designed license plates displaying
8 the International Symbol of Access [~~international symbol of access~~] to permanently disabled
9 persons or their transporters instead of regular motor vehicle license plates. As satisfactory
10 proof of eligibility, an organization that transports disabled veterans who would qualify for
11 license plates issued under Transportation Code §504.202(b-1) must provide a written
12 statement from the veteran's county service officer of the county in which a vehicle described by
13 Transportation Code §504.202(c) is registered or by the Department of Veterans Affairs that:

14 (i) the vehicle is used exclusively to transport veterans of the
15 United States armed forces who have suffered, as a result of military service, a service-
16 connected disability;

17 (ii) the vehicle regularly transports veterans who are eligible to
18 receive license plates under Subsection (b-1); and

19 (iii) the veterans are not charged for the transportation.

20 (B) Specialty license plates. The department will issue disabled person
21 [Disabled Person insignia on these] specialty license plates displaying the International Symbol
22 of Access that can accommodate the identifying insignia and that are issued in accordance with
23 §217.43 or §217.45 of this title [(relating to Specialty License Plates, Symbols, Tabs, and Other
24 Devices)].

25 (C) License plate number. Disabled person [Person] license plates will

1 bear a license plate number assigned by the department or will bear a personalized license
2 plate number issued in accordance with §217.43 or §217.45 of this title.

3 (3) [(2)] Windshield disabled parking [~~identification~~] placards.

4 (A) Issuance. The department will issue removable windshield disabled
5 parking [~~identification~~] placards to temporarily or permanently disabled persons and to the
6 transporters of permanently disabled persons, as provided under Transportation Code
7 §§504.201, 504.202, and 681.004.

8 (B) Display. A person who has been issued a windshield disabled parking
9 [~~identification~~] placard shall hang the placard from a vehicle's rearview mirror when the vehicle
10 is parked in a disabled person parking space or shall display the placard on the center portion of
11 the dashboard if the vehicle does not have a rearview mirror.

12 (c) Renewal of disabled person [~~Disabled Person~~] license plates. Disabled person
13 [~~Person~~] license plates are valid for a period of 12 months from the date of issuance[] and are
14 renewable as specified in §§217.28, 217.43, and 217.45 [~~§217.28~~] of this title [~~(relating to~~
15 ~~Vehicle Registration Renewal)~~].

16 (d) Replacement.

17 (1) License plates. If a disabled person [~~Disabled Person~~] metal license plate is
18 lost, stolen, or mutilated, the owner may obtain a replacement metal license plate by applying
19 with a county tax assessor-collector.

20 (A) Accompanying documentation. To replace disabled person
21 [~~permanently Disabled Person~~] metal license plates, the owner must present the current year's
22 registration receipt and personal identification acceptable to the county tax assessor-collector.

23 (B) Absence of accompanying documentation. If the current year's
24 registration receipt is not available and the county tax assessor-collector cannot verify that the
25 disabled person [~~Disabled Person~~] metal license plates were issued to the owner, the owner

1 must reapply in accordance with this section.

2 (2) Disabled parking [~~Person identification~~] placards. If a disabled parking
3 [~~Disabled Person identification~~] placard becomes lost, stolen, or mutilated, the owner may
4 obtain a new disabled parking [~~identification~~] placard in accordance with this section.

5 (e) Transfer of disabled person [~~Disabled Person~~] license plates and disabled parking
6 [~~identification~~] placards.

7 (1) License plates.

8 (A) Transfer between persons. Disabled person [~~Person~~] license plates
9 may not be transferred between persons. An owner who sells or trades a vehicle to which
10 disabled person [~~Disabled Person~~] license plates have been issued shall remove the disabled
11 person [~~Disabled Person~~] license plates from the vehicle. The owner shall return the license
12 plates to the department and shall obtain appropriate replacement license plates to place on the
13 vehicle prior to any transfer of ownership.

14 (B) Transfer between vehicles. Disabled person [~~Person~~] license plates
15 may be transferred between vehicles if the county tax assessor-collector or the department can
16 verify the plate ownership and the owner of the vehicle is a [~~the~~] disabled person or the vehicle
17 is used to transport a [~~the~~] disabled person.

18 (i) Plate ownership verification may include:

19 (I) a Registration and Title System (RTS) inquiry;

20 (II) a copy of the department application [~~Application~~] for
21 disabled person [~~Disabled Person~~] license plates; or

22 (III) the owner's current registration receipt.

23 (ii) An owner who sells or trades a vehicle with disabled person
24 [~~Disabled Person~~] license plates must remove the plates from the vehicle.

25 (2) Disabled parking [~~Identification~~] placards.

1 (A) Transfer between vehicles. Disabled parking [~~Person identification~~]
2 placards may be displayed in any vehicle driven by the disabled person or in which the disabled
3 person is a passenger.

4 (B) Transfer between persons. Disabled parking [~~Person identification~~]
5 placards may not be transferred between persons.

6 (f) Seizure and revocation of disabled parking placard.

7 (1) If a law enforcement officer seizes and destroys a disabled parking placard
8 under Transportation Code [;] §681.012, the officer shall notify the department by email.

9 (2) The person to whom the seized disabled parking placard was issued may
10 apply for a new disabled parking placard by submitting an application to the county tax
11 assessor-collector of the county in which the person with the disability resides or in which the
12 applicant is seeking medical treatment.

13 **CERTIFICATION.** The agency certifies that legal counsel has reviewed the proposal and found it
14 to be within the state agency's legal authority to adopt.

15 Issued at Austin, Texas, on August 6, 2021.

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Tracey Beaver, General Counsel