

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

3 The statutory requirements for a disabled person under Transportation Code §504.201 differ from
4 the requirements to qualify as a disabled veteran under Transportation Code §504.202. As such, it is
5 possible that not all persons who qualify for a disabled veteran license plate will meet the requirement in
6 Transportation Code §504.202(b-1) and be able to obtain license plates bearing the International Symbol
7 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 qualify
10 for license plates issued under Transportation Code §504.202(b-1), as required in Transportation Code
11 §504.202(b-2). As amended, §217.41(b)(2)(A) includes the certification requirements in Transportation
12 Code §504.202(d) and adds a requirement for the certifying authority, the veteran's county service officer
13 of the county in which a vehicle described by Transportation Code §504.202(c) is registered or the
14 Department of Veterans Affairs certify that the vehicle regularly transports veterans that would qualify
15 for license plates under Transportation Code §504.202(b-1). The department considers that
16 Transportation Code §504.202(b-2) requires transportation on a regular but not constant basis.

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

20 Section 217.41(b)(3)(A) is amended to inform the reader of the Transportation Code sections that
21 establish requirements for the issuance of disabled parking placards. Section 217.41(b)(3)(B) is amended
22 to inform the reader of department rules that have provisions related to the renewal of regular, military,
23 and specialty license plates. In response to a comment, the department has added §217.41(e)(B)(iii),
24 which reads "The department will provide a form that persons may use to facilitate a transfer of disabled

1 person license plates between vehicles." The change does not impose a new requirement or add costs
2 not addressed in the proposal.

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

10 Senate Bill 792 required the department to adopt rules by December 1, 2021. Because the
11 amendments to §217.41 implement SB 792, the amended section cannot become effective until SB 792,
12 which is January 1, 2022. As such, the amendments to §217.41 are adopted to be effective January 1,
13 2022.

14 **SUMMARY OF COMMENTS.**

15 The department received two written comments on the proposal from The Tax Assessor-Collectors
16 Association of Texas (TACA), which represents all 254 county tax assessor-collectors in Texas.

17 **Comment:**

18 The commenter notes that the second sentence §217.41(e)(1)(A) appears to be duplicated in
19 §217.41(e)(1)(B)(ii), with some slight differences. The commenter recommended that the duplicate
20 statement be eliminated for clarity.

21 **Agency Response:**

22 The department agrees that both provisions require a person that sells or trades a vehicle with disabled
23 person license plates to remove the license plates. However, each statement applies to a different
24 circumstance: the transfer of license plates between persons and the transfer of license plates between

1 vehicles. Because the proposal did not indicate the requirement was under review, the department
2 declines to determine if, or which, statement is duplicate and remove it from the adopted text.

3 **Comment:**

4 The commenter recommends that §217.41 (e)(1)(B)(ii) include a requirement that Form VTR-420-UT must
5 be used.

6 **Agency Response:**

7 The department agrees that transfer of a military specialty plate with a DV designation would currently
8 involve VTR-420-UT. However, §217.41 is not limited to military plates or disabled veterans. While not
9 contemplated at this time, the form and form number may change to better serve disabled persons in
10 complying with this rule. For these reasons, the department declines to refer to the form by number but
11 has added a statement that "The department will provide a form that persons may use to facilitate a
12 transfer of disabled person license plates between vehicles." The change does not impose a new
13 requirement or add costs not addressed in the proposal.

14 **STATUTORY AUTHORITY.** The department adopts amendments to §217.41 under Transportation Code
15 §§504.202, 504.0011, and 1002.001.

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

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

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

1 **CROSS REFERENCE TO STATUTE.** Transportation Code §§502.410, 504.201, 504.202, 681.004, 681.008,
2 681.009, and 681.011.

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4 **TEXT.**

5 §217.41. Disabled Person License Plates and Disabled Parking Placards.

6 (a) Purpose. Transportation Code, Chapters 504 and 681, charge the department with the
7 responsibility for issuing specially designed license plates and disabled parking placards for disabled
8 persons. For the department to perform these duties efficiently and effectively, this section prescribes
9 the policies and procedures for the application, issuance, and renewal of disabled person license plates
10 and disabled parking placards.

11 (b) Issuance.

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

15 (2) Disabled person license plates.

16 (A) Eligibility. In accordance with Transportation Code §504.201 and §504.202(b-
17 1) and (b-2), the department will issue specially designed license plates displaying the International
18 Symbol of Access to permanently disabled persons or their transporters instead of regular motor vehicle
19 license plates. As satisfactory proof of eligibility, an organization that transports disabled veterans who
20 would qualify for license plates issued under Transportation Code §504.202(b-1) must provide a written
21 statement from the veteran's county service officer of the county in which a vehicle described by
22 Transportation Code §504.202(c) is registered or by the Department of Veterans Affairs that:

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

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

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

4 (B) Specialty license plates. The department will issue disabled person specialty
5 license plates displaying the International Symbol of Access that can accommodate the identifying insignia
6 and that are issued in accordance with §217.43 or §217.45 of this title.

7 (C) License plate number. Disabled person license plates will bear a license plate
8 number assigned by the department or will bear a personalized license plate number issued in accordance
9 with §217.43 or §217.45 of this title.

10 (3) Windshield disabled parking placards.

11 (A) Issuance. The department will issue removable windshield disabled parking
12 placards to temporarily or permanently disabled persons and to the transporters of permanently disabled
13 persons, as provided under Transportation Code §§504.201, 504.202, and 681.004.

14 (B) Display. A person who has been issued a windshield disabled parking placard
15 shall hang the placard from a vehicle's rearview mirror when the vehicle is parked in a disabled person
16 parking space or shall display the placard on the center portion of the dashboard if the vehicle does not
17 have a rearview mirror.

18 (c) Renewal of disabled person license plates. Disabled person license plates are valid for a period
19 of 12 months from the date of issuance and are renewable as specified in §§217.28, 217.43, and 217.45
20 of this title.

21 (d) Replacement.

22 (1) License plates. If a disabled person metal license plate is lost, stolen, or mutilated, the
23 owner may obtain a replacement metal license plate by applying with a county tax assessor-collector.

1 (A) Accompanying documentation. To replace disabled person metal license
2 plates, the owner must present the current year's registration receipt and personal identification
3 acceptable to the county tax assessor-collector.

4 (B) Absence of accompanying documentation. If the current year's registration
5 receipt is not available and the county tax assessor-collector cannot verify that the disabled person metal
6 license plates were issued to the owner, the owner must reapply in accordance with this section.

7 (2) Disabled parking placards. If a disabled parking placard becomes lost, stolen, or
8 mutilated, the owner may obtain a new disabled parking placard in accordance with this section.

9 (e) Transfer of disabled person license plates and disabled parking placards.

10 (1) License plates.

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

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

19 (i) Plate ownership verification may include:

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

21 (II) a copy of the department application for disabled person
22 license plates; or

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

1 (ii) An owner who sells or trades a vehicle with disabled person license
2 plates must remove the plates from the vehicle.

3 (iii) The department will provide a form that persons may use to facilitate
4 a transfer of disabled person license plates between vehicles.

5 (2) Disabled parking placards.

6 (A) Transfer between vehicles. Disabled parking placards may be displayed in any
7 vehicle driven by the disabled person or in which the disabled person is a passenger.

8 (B) Transfer between persons. Disabled parking placards may not be transferred
9 between persons.

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

11 (1) If a law enforcement officer seizes and destroys a disabled parking placard under
12 Transportation Code §681.012, the officer shall notify the department by email.

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

17 CERTIFICATION. The agency certifies that legal counsel has reviewed the adoption and found it to be
18 within the state agency's legal authority to adopt.