

1 **SUBCHAPTER B. MOTOR VEHICLE REGISTRATION**

2 **43 TAC §217.41**

3 **1. INTRODUCTION.** The Texas Department of Motor Vehicles (department) proposes to amend 43 TAC
4 §217.41, concerning the location at which an application for a disabled parking placard may be made. This
5 amendment is necessary to implement House Bill (HB) 643, 86th Legislature, Regular Session (2019),
6 which expands the locations at which an applicant may apply for a disabled parking placard if the person
7 is seeking medical treatment.

8 **2. EXPLANATION OF PROPOSED AMENDMENT.**

9 The proposed amendment to §217.41(f)(2) implements HB 643 to allow an applicant to apply for
10 a disability placard in the county in which the person with the disability is seeking medical treatment,
11 regardless of whether the applicant is a Texas resident. Current law allows an individual to apply for a
12 disability placard in the individual's county of residence or in the county where the applicant is seeking
13 medical treatment if the applicant is not a Texas resident. House Bill 643 amended current law to allow
14 any individual to apply for a disability placard in the county where the applicant is seeking medical
15 treatment, regardless of the individual's county of residence. This change should alleviate the burden on
16 caretakers who may be forced to drive long distances and take off work to submit an application or pick
17 up a placard by providing another option.

18 The proposed amendment to §217.41(f)(2) deletes the phrase "if the applicant is not a resident
19 of this state" that allowed an applicant, after having a disability placard seized by a law enforcement
20 officer, to apply for a new disabled parking placard in the county in which the applicant is seeking medical
21 treatment only if the applicant is not a Texas resident. The proposed amendment to §217.41(f)(2) is
22 necessary for consistency with the statutory language in HB 643 and mirrors the amendment to
23 Transportation Code, §681.003(b).

1 **3. FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Linda M. Flores, Chief Financial Officer,
2 has determined that for each year of the first five years the amendment will be in effect, there will be no
3 fiscal impact to state or local governments as a result of the enforcement or administration of the section,
4 other than any imposed by statute. The proposed amendment does not add to or decrease state revenues
5 or expenditures.

6 Jeremiah Kuntz, Director of Vehicle Titles and Registration Division, has determined that there will
7 be no measurable effect on local employment or the local economy as a result of the proposal.

8 **4. PUBLIC BENEFIT AND COST NOTE.** Mr. Kuntz has also determined that, for each year of the first five
9 years the amended section is in effect, the public benefits anticipated as a result of the proposal include
10 clarity regarding the place of application for a disabled parking placard. Administering and enforcing the
11 proposed amendment will have the public benefit of ensuring that the department's rule conforms to
12 Transportation Code, §681.003(b). The proposed amendment implements Transportation Code,
13 §681.003(b), which makes it easier and more accessible for the public to obtain a disability placard from
14 the county in which they are seeking medical treatment, which may be different than the county in which
15 they reside.

16 Mr. Kuntz anticipates that there will be no costs to comply with the proposed amendment.

17 **5. ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** Mr. Kuntz has also
18 determined there will be no impact on small businesses, micro-business, or rural communities as a result
19 of implementing this rule. Therefore, the department is not required to prepare a regulatory flexibility
20 analysis as specified in Government Code, §2006.002.

21 **6. TAKINGS IMPACT ASSESSMENT.** The department has determined that no private real property
22 interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to

1 property that would otherwise exist in the absence of government action and, therefore, does not
2 constitute a taking or require a takings impact assessment under the Government Code, §2007.043.

3 **7. GOVERNMENT GROWTH IMPACT STATEMENT.** The department has determined that during the first
4 five years the proposed amendment is in effect, no government program would be created or eliminated.
5 Implementation of the proposed amendment would not require the creation of new employee positions
6 or elimination of existing employee positions. Implementation would not require an increase or decrease
7 in future legislative appropriations to the department or an increase or decrease of fees paid to the
8 department. The proposed amendment will not create a new regulation. The proposed amendment,
9 which repeats the amendment to Transportation Code, §681.003(b), limits an existing regulation by
10 allowing more people to obtain a disability placard in the county in which the applicant is seeking medical
11 care. Additionally, the proposed amendment does not affect the number of individuals subject to the
12 rule's applicability and will not affect this state's economy.

13 **8. REQUEST FOR PUBLIC COMMENT.**

14 If you want to comment on the proposal, submit your written comments by 5:00 p.m. CST on September
15 30, 2019. A request for a public hearing must be sent separately from your written comments. Send
16 written comments or hearing requests by email to *rules@txdmv.gov* or by mail to Office of General
17 Counsel, Texas Department of Motor Vehicles, 4000 Jackson Avenue, Austin, Texas 78731. If a hearing is
18 held, the department will consider written comments and public testimony presented at the hearing.

19 **9. STATUTORY AUTHORITY.** The amendment is proposed under Transportation Code, §1002.001, which
20 provides the board of the Texas Department of Motor Vehicles with the authority to adopt rules that are
21 necessary and appropriate to implement the powers and the duties of the department; and more
22 specifically, Transportation Code, §504.0011, which authorizes the department to adopt rules to
23 administer Chapter 504.

1 **10. CROSS REFERENCE TO STATUTE.** Transportation Code, §504.201 and §681.003.

2 **11. TEXT.**

3 **Subchapter B. Motor Vehicle Registration**

4 **43 TAC §217.41**

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

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

10 (b) Issuance.

11 (1) Disabled Person license plates.

12 (A) Eligibility. In accordance with Transportation Code, §504.201, the department
13 will issue specially designed license plates displaying the international symbol of access to permanently
14 disabled persons or their transporters instead of regular motor vehicle license plates.

15 (B) Specialty license plates. The department will issue Disabled Person insignia on
16 those specialty license plates that can accommodate the identifying insignia and that are issued in
17 accordance with §217.45 of this title (relating to Specialty License Plates, Symbols, Tabs, and Other
18 Devices).

19 (C) License plate number. Disabled Person license plates will bear a license plate
20 number assigned by the department or will bear a personalized license plate number issued in accordance
21 with §217.45.

22 (2) Windshield identification placards. The department will issue removable windshield
23 identification placards to temporarily or permanently disabled persons and to the transporters of

1 permanently disabled persons. A person who has been issued a windshield identification placard shall
2 hang the placard from a vehicle's rearview mirror when the vehicle is parked in a disabled person parking
3 space or shall display the placard on the center portion of the dashboard if the vehicle does not have a
4 rearview mirror.

5 (c) Renewal of Disabled Person license plates. Disabled Person license plates are valid for a period
6 of 12 months from the date of issuance, and are renewable as specified in §217.28 of this title (relating to
7 Vehicle Registration Renewal).

8 (d) Replacement.

9 (1) License plates. If Disabled Person license plates are lost, stolen, or mutilated, the
10 owner may obtain replacement license plates by applying with a county tax assessor-collector.

11 (A) Accompanying documentation. To replace permanently Disabled Person
12 license plates, the owner must present the current year's registration receipt and personal identification
13 acceptable to the county tax assessor-collector.

14 (B) Absence of accompanying documentation. If the current year's registration
15 receipt is not available and the county cannot verify that the Disabled Person license plates were issued
16 to the owner, the owner must reapply in accordance with this section.

17 (2) Disabled Person identification placards. If a Disabled Person identification placard
18 becomes lost, stolen, or mutilated, the owner may obtain a new identification placard in accordance with
19 this section.

20 (e) Transfer of Disabled Person license plates and identification placards.

21 (1) License plates.

22 (A) Transfer between persons. Disabled Person license plates may not be
23 transferred between persons. An owner who sells or trades a vehicle to which Disabled Person license

1 plates have been issued shall remove the Disabled Person license plates from the vehicle. The owner shall
2 return the license plates to the department and shall obtain appropriate replacement license plates to
3 place on the vehicle prior to any transfer of ownership.

4 (B) Transfer between vehicles. Disabled Person license plates may be transferred
5 between vehicles if the county or the department can verify the plate ownership and the owner of the
6 vehicle is the disabled person or the vehicle is used to transport the disabled person.

7 (i) Plate ownership verification may include:

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

9 (II) a copy of the department Application for Disabled Person
10 license plates; or

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

12 (ii) An owner who sells or trades a vehicle with Disabled Person license
13 plates must remove the plates from the vehicle.

14 (2) Identification placards.

15 (A) Transfer between vehicles. Disabled Person identification placards may be
16 displayed in any vehicle driven by the disabled person or in which the disabled person is a passenger.

17 (B) Transfer between persons. Disabled Person identification placards may not be
18 transferred between persons.

19 (f) Seizure and revocation of placard.

20 (1) If a law enforcement officer seizes and destroys a placard under Transportation Code,
21 §681.012, the officer shall notify the department by email.

22 (2) The person to whom the seized placard was issued may apply for a new placard by
23 submitting an application to the county tax assessor-collector of the county in which the person with the

1 disability resides or in which the applicant is seeking medical treatment [~~if the applicant is not a resident~~
2 ~~of this state~~].

3 **12. CERTIFICATION.** The agency certifies that legal counsel has reviewed the proposal and found it to be
4 within the state agency’s legal authority to adopt.

5 Issued at Austin, Texas, on August 16, 2019.

6

7

8

/s/ Tracey Beaver
Tracey Beaver, General Counsel