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FISCAL IMPACT REPORT

SPONSOR Griego DATE TYPED 3/7/05 HB _____

SHORT TITLE Fines for Parking in Disabled Parking Spaces SB 956/aSJC

ANALYST Wilson

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|-------|-----------------------------|------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| | \$5.0 | | | Recurring | General Fund |

Relates to HB106, HB 784, SB 802 and SB 757

REVENUE

| Estimated Revenue | | Subsequent Years Impact | Recurring or Non-Rec | Fund Affected |
|-------------------|------|-------------------------|----------------------|---------------|
| FY05 | FY06 | | | |
| | | \$0.1 | Recurring | General Fund |

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Department of Public Safety (DPS)
 Governor's Commission on Disability (GCD)

No Response From

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to Senate Bill 959 appropriates \$5 thousand from the general fund to the GCD instead of the Taxation and Revenue for expenditure in fiscal year 2006

to conduct a statewide advertising campaign to explain the provisions of this act.

Synopsis of Original Bill

Senate Bill 956 appropriates \$5 thousand from the general fund to the Taxation and Revenue Department (TRD) for the purpose of conducting a statewide advertising campaign to explain the provisions of this act.

The bill prohibits the holder of a disabled parking privilege from lending the special disabled placard or plate for use when the holder is not in the vehicle. For the first offense, the Motor Vehicle Division of the Taxation and Revenue Department (TRD) shall suspend the holder's privilege to use the placard or plate for six months. Upon a second offense, the department shall permanently revoke the holder's privilege.

The bill makes failure to surrender the placard to a law enforcement officer or the department upon demand a petty misdemeanor. The fine range increases when a person provides false information to acquire a disable placard or uses the placard to park in a disabled space when the holder is not in the vehicle. The new fine range is \$250 hundred to \$450 hundred. The existing fine range is \$100 hundred to \$300 hundred.

Significant Issues

The AGO indicates the bill appears to close a gap in the law when the owner of the handicap parking card gives the card to another who then uses the card to the detriment of other legitimate card holders.

The GCD believes this bill will make it illegal for ineligible persons to use the placards. If the provisions of this bill are enforced there will be accessible parking spaces to those who need them.

FISCAL IMPLICATIONS

The appropriation of \$5 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

There will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any a statewide advertising campaign to explain the provisions of this act. additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws, and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

ADMINISTRATIVE IMPLICATIONS

TRD will have to conduct a statewide advertising campaign to explain the provisions of this bill.

RELATIONSHIP

Relates to HB106, Parking Privileges for Persons in Wheelchairs; HB 784, Severe Mobility Impairment License Plates; SB 757 and SB 802, Disability Parking Placard Replacement

DW/yr:lg