

# Accessible Parking in Texas Fast Facts

## GENERAL INFORMATION ON ACCESSIBLE PARKING IN TEXAS

### ***New Legislation regarding parking: (81<sup>st</sup> Session)***

A new state agency, the [Texas Department of Motor Vehicles \(DMV\)](#), was created by the 2009 Texas Legislature in [House Bill 3097](#). This new agency officially opens for business on November 1, 2009. Distribution of license plates and disabled parking placards through the county tax offices.

[House Bill 400](#) allows a grace period for a person cited for illegally parking a vehicle with an expired disabled parking placard by obtaining a valid placard within 20 working days or before your first court date to have the citation dismissed

[House Bill 618](#) exempts a vehicle with a specialty license plate for recipients of the Air Force Cross or Distinguished Service Cross, the Army Distinguished Service Cross, the Navy Cross, the Medal of Honor, or the Legion of Merit medal from parking fees collected through a meter charged by a governmental authority other than the federal government, when the vehicle is being driven by or for the transportation of the person who registered the vehicle.

[House Bill 965](#) entitles a veteran to register, for the person's own use, any number of motor vehicles for which the registrant may be issued specialty license plates for disabled veterans and disabled parking placards.

[House Bill 2020](#) authorizes a vehicle to be parked for an unlimited period in a parking space or area designated for the disabled if the vehicle displays license plates issued by another state of the United States indicating that the owner or operator of the vehicle is a disabled veteran of the United States armed forces.

[House Bill 3095](#) simplifies enforcement and increases the fines for illegally parking in handicapped parking spaces from \$250 minimum to \$500 maximum, to a minimum of \$500 and a maximum of \$750. With each offense the fines increase and community service is added.

[House Bill 3593](#) authorizes a person entitled to license plates for disabled veterans to elect to receive *standard* license plates at the same cost as the disabled veteran license plates.

[Senate Bill 52](#) increases penalties for illegal use of parking spaces for people with disabilities and allows the peace officer to seize the placard from an individual not authorized to use it.

[Senate Bill 1367](#) authorizes a person who is licensed to practice optometry or therapeutic optometry to provide a notarized statement or written prescription required for a disabled parking placard for a person who has a mobility problem caused by an impairment of vision.

[Senate Bill 1984](#) extends the authority to prescribe handicap parking placards, to conform to the Physician-PA practice laws of our state. This will ensure that patients of Physician Assistants (PAs) in a Physician-PA practice model will not be delayed in receiving their medically necessary disabled parking privileges.

**Resource:** [Basic Facts for Persons with Disabilities](#) brochure. (Updated in September of 2009)

### ***Definition of Disability for Parking:***

Disability means a condition in which a person has a mobility problem that substantially impairs a persons' ability ambulate; visual acuity of more than 20/200 or less in the better eye with correcting lenses; or visual acuity of more than 20/200 but with a limited field of vision in which the widest diameter of the visual field subtends an angle 20 degrees or less. ([Transportation Code §681.001\(2\)](#))

### ***What's required to get a placard or plate for accessible parking?***

You can make an application for accessible parking by submitting a form called a [VTR-214](#) that you can download and take to your:

- (1) a physician licensed to practice medicine in Texas,
- (2) a physician's assistant in Texas, Arkansas, Louisiana, New Mexico, or Oklahoma if the applicant lives in a county with a population of 125,000 or less,
- (3) a physician practicing medicine in the U.S. military on a military installation in Texas, or
- (4) a physician practicing medicine in a hospital or other health facility of the Department of Veterans Affairs, or
- (5) a person licensed to practice podiatry or optometry in Texas, Arkansas, Louisiana, New Mexico, or Oklahoma. The physician's or applicable signature must be notarized, unless a written prescription from the physician or authorized professional is attached.

You then take your [VTR 214](#) to your county [Tax Assessor Collector's Office](#).



### ***What kinds of Placards are Available?***

#### **Blue Placards**

BLUE Disabled Parking Placards are issued to persons

with a permanent disability. **BLUE** Placards issued for a permanent disability are valid for a maximum of four years.



### **Red Placards**

RED Disabled Parking Placards are issued to persons **RED** Placards issued for a temporary disability are valid for six months from the date of issuance or until the end of the disability, whichever comes first with a temporary disability.

### ***Options Available***

- ✧ [Disabled Person license plates](#) displaying the International Symbol of Access (ISA) permanent disability (limit one set of PLATES)
- ✧ Limit one [1] placard for persons with Disabled Person license plates. Limit two [2] placards for persons with no Disabled Person license plates
- ✧ Disabled Veterans Plates: Submit a [VTR-615](#) to your county Tax Assessor Collector. You must:
  - be a Texas resident;
  - be a veteran of the United States Armed Forces;
  - have a service-connected disability of at least 50 percent or at least 40 percent due to the amputation of a lower extremity;
  - receive compensation from the Federal Government as a result of the disability;
  - have a vehicle titled in his or her name.
- ✧ [Nursing homes, retirement communities, institutions](#) and other facilities that transport people with disabilities may obtain blue parking permits for their vehicles, including vans and buses. These permits can only be used when transporting people with disabilities.

### ***General Public Cost:***

- ✧ Parking placards may be issued to persons with a permanent or temporary disability. There is no fee for a placard issued to a person with a permanent disability, and a \$5 fee (per placard) if issued to a person with a temporary disability.
- ✧ The fee for Disabled License Plates is the regular registration fee for the vehicle as prescribed by law.
- ✧ Disabled License Plates may be personalized for an additional annual fee of \$40.

### ***Veterans Cost:***

- ✧ The cost for the first set of Disabled Veteran License Plates is \$3. The cost for any additional set of license plates is the regular registration fee for the vehicle.

**Reciprocity:** Individuals with [foreign or out-of-state parking placards or license plates](#) can park in accessible parking spaces in Texas. Texans can also their placards or license plates to park in all other states as well.

### ***What are the laws regarding who can park in accessible parking spaces?***

Texas law provides that a vehicle may be parked for an unlimited period in a parking space that is designated specifically for persons with disabilities if the vehicle is being operated by or for the transportation of a person with a disability, and if the vehicle displays the appropriate plate or placard. However, this exemption does not apply to a fee or penalty imposed by:

- (1) a branch of the United States government, or
- (2) a governmental unit for parking at a meter, in a parking garage or lot, or in a space located within the boundaries of a municipal airport.

### **With the exception of:**

Owners of vehicles displaying:

- Disabled Veteran,
- Congressional Medal of Honor,
- Former Prisoner of War,
- Pearl Harbor Survivor,
- Purple Heart Recipient,
- Legion of Valor (Air Force Cross, Distinguished Service Cross, Army Distinguished Service Cross, Navy Cross or Medal of Honor) or
- Legion of Merit License Plates

are exempt from the payment of parking fees, including a fee collected through a parking meter, charged by a governmental authority other than a branch of the federal government. These vehicles are only exempt from the parking fees if they are being operated by or for the transportation of the person who registered the vehicle with the above mentioned license plates. In an [Attorney General's Opinion No. H-1291](#), vehicles displaying Disabled Veteran License Plates must not be parked at meters longer than the maximum indicated time on the meters *if there is a restriction against parking at a meter in excess of that time*. However, this restriction does not apply if the vehicle also displays a Disabled Parking Placard.

Texas law allows parking placards to be removed and displayed in any vehicle used for transportation of a person with a disability. People with disabilities can apply for placards even if they do not own a car.

### **It is a Violation of Texas law:**

- ☒ To park a vehicle in an accessible parking space without displaying the appropriate plate or placard, even if a driver or a passenger of the vehicle has a disability;
- ☒ To park a vehicle in an accessible space when neither the driver or any passenger has a disability, even if the vehicle displays the appropriate plate or placard;

- ❖ To park a vehicle with a placard or plate that is expired;
- ❖ To park a vehicle with a placard or plate that belongs to someone who is not a driver or a passenger in the vehicle;
- ❖ To lend a parking placard to an individual without a disability who uses that placard to violate state law;
- ❖ To steal or counterfeit a parking placard or license plate;
- ❖ To park a car in such a way that it blocks access to an accessible parking space, an access aisle, or any architectural improvement that provides access for people with disabilities, such as a ramp or a curb cut.

### **Violations of Accessible Parking in Texas:**

People who park in accessible parking spaces or who misuse Disabled Parking Placards or License Plates are subject to fines of up to **\$2,500 and/or up to 50 hours of community service**.

Accordingly, parking a vehicle so as to block any disabled parking van-access aisle is an offense.

### **Seizure of Placards**

A law enforcement officer may seize a Disabled Parking Placard if the law enforcement officer believes that a parking offense was committed. The person from whom the placard was seized may request a hearing. At the hearing, the department will determine if revocation of the placard should continue or if the revocation should be rescinded.

### **Buying Gas and Texans with Disabilities**

[Refueling services](#) are available to a driver with a disability of a vehicle that displays a Disabled Parking Placard or Disabled License Plates. The refueling service is available only at service stations or other facilities which provide both full-service and self-service pump islands and is limited to gasoline and diesel fuel. Prices charged for the fuel may not be greater than the self-service price. Complaints concerning non-compliance with this law should be directed to the local district or county attorney or to the Texas Attorney General's consumer affairs office.

### ***How do I create an accessible parking space?***

[The Texas Accessibility Standards \(TAS\)](#) regulates the size and placement of accessible parking spaces. The Texas Department of Licensing and Regulation (TDLR) is the state agency responsible for enforcing the TAS, which covers a wide range of accessible building components. The TAS has been certified as being equivalent to the Americans with Disabilities Act (ADA) standards, so [parking spaces constructed using the TAS](#) are also compliant with the federal ADA standards.

## **The Texas Accessibility Standards requires that:**

- ✪ A minimum number of accessible parking spaces must be provided, consistent with the chart below. At least one out of every eight spaces, but no less than one, must be made van-accessible.
- ✪ Accessible parking spaces must be located on the shortest accessible route of travel to an accessible entrance. If there are multiple accessible entrances, the accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- ✪ Parallel parking is discouraged unless it can be situated so that persons entering and exiting vehicles will be out of the flow of traffic.
- ✪ Accessible parking spaces must be at least 96 inches (2440 millimeters) wide.
- ✪ Each accessible parking space must have either an access aisle at least 60 inches (1525 millimeters) wide or a van-accessible aisle at least 96 inches (2440 millimeters) wide.
- ✪ Parking spaces and access aisles must be level, with a maximum allowable slope of 2% in all directions.
- ✪ Each accessible parking space shall be designated as a reserved space with a sign showing the symbol of accessibility. Designated van-accessible parking spaces must have an additional "Van-Accessible" sign mounted below the symbol of accessibility.
- ✪ Signs shall be located 60 Inches (1525 millimeters) above the ground.
- ✪ Covered parking must provide a minimum vertical clearance of 114 inches (2895 millimeters) at entrances, exits, passenger loading zones, and along at least one vehicle access route.
- ✪ Covered parking must provide a minimum vertical clearance of 98 inches (2490 millimeters) at all van-accessible spaces.
- ✪ Passenger loading zones shall provide an access aisle at least 60 inches (1525 millimeters) wide and 240 inches (6100 millimeters) long parallel to the vehicle pull-up space.
- ✪ Two parking spaces may share the same access aisle.

## **[The Department of Justice Restriping Parking Lots Technical Assistance](#)**

When a business restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases. This ADA Business Brief provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.

## ***Multi-Family Residential Accessible Parking:***

Additionally, the federal Fair Housing Act may require the owner of a [multi-family residential property to provide accessible parking](#). A tenant with a disability may ask the owner to create an accessible parking space so that they can access their apartment. Under the Fair Housing Act, property owners are required to provide "reasonable accommodations" to tenants with disabilities. A request for an accessible parking space

would be considered as a "reasonable accommodation", unless it would be difficult or impractical to provide such a space.

### ***Required Number of Accessible Spaces***

Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces	Required Minimum Number of Van Accessible Parking Spaces
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	1
301 to 400	8	1
401 to 500	9	2
500 to 1000	2% of total	1 out of every 8 accessible spaces
Over 1001	20 plus 1 for each 100 over 1000	1 out of every 8 accessible spaces

### ***How does the Americans with Disabilities Act relate to parking?***

[The Americans with Disabilities Act of 1990](#) is the world's first civil rights act for persons with disabilities. The ADA has several different provisions that touch on different accessible parking issues.

**Employment.** The ADA requires that businesses provide ["reasonable accommodations"](#) for employees with disabilities. In certain circumstances, employees with disabilities may require parking accommodations. Such accommodations could include a reserved parking space, a covered parking space, or transportation assistance from a remote parking lot. However, an employer is not required to provide an accommodation that would result in lesser access for members of the public, i.e., allowing an employee to park in an accessible space that is reserved for customers with disabilities.

**Program Access:** The ADA requires that state and local government entities provide [access for all their programs and services](#). In certain instances, this may require the government to provide parking spaces in excess of the ADA requirements. For example, if a

city were to sponsor a wheelchair race, it may need to provide additional temporary van-accessible spaces.

**Readily Achievable:** The ADA requires that buildings built before 1991 must remove architectural barriers that are "[readily achievable](#)". "Readily achievable" means that the barrier can be removed easily, and with little cost. A Department of Justice publication on parking stated that for most businesses, restriping parking lots to include accessible parking spaces was "readily achievable in most cases."

**[Maintenance of Accessible features and Enforcement:](#)** ADA compliance is an ongoing responsibility. Business and government entities that are required to provide accessible parking must continue to ensure access to such parking. For example, the Department of Justice required one Massachusetts restaurant chain to fix a pothole in an accessible parking space, arrange for the prompt removal of snow and debris blocking accessible parking spaces, and "police the use of the parking spaces to insure that they are available for the use of individuals with disabilities, and are not being used by other individuals."

### ***Who has the authority to investigate violations of Texas parking law?***

If a person violates the Texas law regarding parking in accessible spaces, the local law enforcement agencies have the authority to issue tickets. Additionally, some communities have volunteers who enforce parking laws.

If a business, government agency, or other place of public accommodation violates the law regarding the **construction** of an accessible parking space, individuals may file complaints with the Texas Department of Licensing and Regulation, the state agency with responsibility to enforce the [Texas Architectural Barriers Act](#). To file a complaint with TDLR, please contact:

#### [Texas Department of Licensing & Regulation](#)

Architectural Barriers Section  
PO. Box 12157  
Austin, Texas 78711  
(800) 803-9202  
(512) 475-2886 (Fax)  
Complaint form (PDF format):

The Department of Justice also has the authority to enforce the parking provisions of the Americans with Disabilities Act. To file a complaint with the Department of Justice, please contact:

#### [U.S. Department of Justice](#)

Civil Rights Division  
Disability Rights Section  
P.O. Box 66738

Washington, D.C. 20035-6738  
(800) 514-0301 (voice)  
(800) 514-0383 (TTY)  
(202) 307-1198 (fax)

#### Multifamily Housing Parking:

If an owner of a multi-family residential property refuses to honor a request by a tenant with a disability to install an accessible parking space, the [Texas Commission on Human Rights](#) has the authority to investigate. TCHR is the state agency responsible for enforcing the Fair Housing Act. To file a complaint with that office, please contact:

#### [Texas Commission on Human Rights](#)

PO Box 13006  
Austin, Texas 78711-3006  
(888) 452-4778 (voice)  
(512) 371-7473 (TTY)  
(512) 437-3478 (fax)  
E-mail: [tchr.net@mail.capnet.state.tx.us](mailto:tchr.net@mail.capnet.state.tx.us)

Additionally, [Fair Housing Act](#) complaints may also be filed with the [U.S. Department of Housing and Urban Development](#). To file a complaint with that office, please contact:

#### **Prepared by:**

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