

Accessible Parking in Texas Fast Facts

GENERAL INFORMATION ON ACCESSIBLE PARKING IN TEXAS

New Parking Laws: (revised after the 82nd Legislative Session - 2011)

[House Bill 559](#) creates specialty license plates with parking privileges for recipients of the Bronze Star Medal and the Bronze Star Medal with Valor.

[House Bill 1473](#) penalizes production and use of counterfeit accessible parking placards.

[Senate Bill 1755](#) creates specialty license plates with parking privileges for recipients of the Distinguished Service Medal.

[House Bill 2080](#) provides that Physicians' Assistants (PAs) may prescribe accessible parking placards in any county in Texas.

[House Bill 2928](#) creates specialty license plates with parking privileges for recipients of the Silver Star Medal.

[House Bill 3580](#) provides for a specialty license plate, without accessible parking privileges, for the surviving spouse of a veteran with a disability.

Definitions of disability for parking

"Disability" means a condition in which a person has:

- a mobility problem that substantially impairs a person's ability to ambulate (walk);
or
 - visual acuity of 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\(2\)\)](#)

A "mobility problem that substantially impairs a person's ability to ambulate (walk)" means that the person:

- cannot walk 200 feet without stopping to rest; or
- cannot walk without the use of or assistance from an assistance device, including a brace, a cane, a crutch, another person, or a prosthetic device; or
- cannot ambulate without a wheelchair or similar device; or

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- is restricted by lung disease to the extent that the person's forced respiratory expiratory volume for one second, measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 millimeters of mercury on room air at rest; or
- uses portable oxygen; or
- has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
- is severely limited in the ability to walk because of arthritic, neurological or orthopedic condition; or
- has a disorder of the foot that, in the opinion of a person licensed to practice podiatry in this state or in a state adjacent to this state limits or impairs the person's ability to walk; or
- has another debilitating condition that, in the opinion of a physician licensed to practice medicine in this state or a state adjacent to this state, or authorized by applicable law to practice medicine in a hospital or other health facility of the Veterans Administration, limits or impairs the person's ability to walk.

[\(Transportation Code 681.001\(5\)\)](#)

What is required to get a placard or plate for accessible parking?

The [Texas Department of Motor Vehicles \(DMV\)](#), which opened for business in 2009, is responsible for vehicle registration and titling. [County Tax Assessor Collectors' Offices](#) are still responsible for distribution of accessible license plates and placards.

You can make an application for an accessible parking placard and/or plate by submitting a form called a [VTR-214](#) that you can download. Then take the form to one of the following professionals for a signature:

- (1) a physician licensed to practice medicine in Texas or an adjacent state (Arkansas, Louisiana, New Mexico, or Oklahoma); or
- (2) a physician's assistant licensed to practice in Texas; or
- (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 or an adjacent state (Arkansas, Louisiana, New Mexico, or Oklahoma).

The above signature must be notarized, unless a written prescription from the physician or authorized professional is attached.

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

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What kinds of placards and plates 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. A Blue Placard can be replaced or renewed upon request of the person with the disability without presentation of evidence of eligibility.



Red placards

RED Accessible Parking Placards are issued to persons with a temporary disability. **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. A Red Placard may be renewed at the end of that period if the disability remains, as evidenced by a doctor's letter or prescription.

Can I get both placards and plates?

- ★ [Disabled Person license plates](#) displaying the International Symbol of Access (ISA) are available for people with a permanent disability. Most applicants are eligible for one [1] Disabled Person License plate, but a person can be eligible for more, if that person has more than one vehicle with special equipment that allows for use of the vehicle by a person who cannot use one or both legs. [Transportation Code 504.201\(g\)\(1\)-\(2\)](#)
- ★ Qualifying persons without any Disabled Person license plates are eligible for two [2] Disabled Person parking placards.
- ★ Qualifying persons with one [1] Disabled Person license plate are eligible for one [1] Disabled Person parking placard.
- ★ Qualifying persons with two [2] Disabled Person license plates are eligible for two [2] Disabled Person parking placards. [Transportation Code 681.004](#)

Rules for veterans regarding placards and plates

Disabled Veterans Plates: Submit a [VTR-214](#) 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;

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- have a vehicle titled in your name.

Qualifying veterans can receive Disabled Veteran Plates for every vehicle registered to them. They can also receive parking placards for every vehicle for which they received a Disabled Veteran license plate. [Transportation Code 504.202\(b\) and \(g\)](#).

Rules for institutions regarding placards and plates

[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.

How much do placards and plates cost?

Cost to general public:

- ✪ 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.

Cost to veterans:

- ✪ 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.
- ✪ A person entitled to a Disabled Veteran License Plate may choose to receive a *standard* license plate at the same cost to him or her as the Disabled Veteran License Plate.

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

General parking privileges:

In a parking space:

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

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operated by or for the transportation of a person with a disability, and if the vehicle displays the appropriate plate or placard.

At a parking meter:

Accessible parking privileges exempt the owner of the vehicle from having to pay a fee or penalty for **parking at a meter**, if a) the vehicle is being operated by or for the transportation of a person with a disability, and b) a valid accessible parking plate or placard is displayed on the vehicle. (Note: qualified veterans have additional parking privileges at meters; see discussion below in “Veteran’s additional parking privileges”).

This exemption from fees 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*.

State and local governments may choose to pass laws exempting people with accessible parking plates or placards from fees or penalties imposed by the government at structures or lots. [Transportation Code 681.006](#).

Texas law allows parking placards to be 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.

Veterans’ additional parking privileges:

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),
- Legion of Merit,
- Bronze Star Medal,
- Bronze Star Medal with Valor,
- Silver Star Medal, or
- Distinguished Service Medal

are exempt from the payment of parking fees 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. According to [Attorney General’s Opinion No. H-1291](#), vehicles displaying Disabled Veteran License Plates must not be parked at meters longer than the maximum indicated

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time on the meters *if there is a restriction against parking at a meter in excess of that time*. In other words, if a local law prohibits “feeding the meter” beyond the maximum time indicated on the meter, then people with Disabled Veteran License plates may not disobey this local law. Local governments may choose to allow people with parking privileges to park for an unlimited time at a meter, but governments are not required to allow unlimited parking at a meter by Texas law.

Texas’ reciprocity with other states

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

Violations of accessible parking law in Texas

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 an accessible placard or plate that is expired;
 - a person cited for illegally parking a vehicle with an expired placard may have the citation dismissed if the person obtains a valid placard within 20 working days of the citation or before the person’s first court appearance date, whichever is later
- ❖ To park a vehicle with an accessible placard or plate that belongs to someone who is not a driver or a passenger in the vehicle;
- ❖ To lend an accessible parking placard to an individual without a disability who uses that placard to violate state law;
- ❖ To steal an accessible parking placard or license plate;
- ❖ To produce or use a counterfeit accessible parking placard or 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.

[Transportation Code 681.011](#), [Transportation Code 681.0111](#), and [Transportation Code 681.012](#)

Penalties for violations of accessible parking law

People who park in accessible parking spaces or who misuse Disabled Parking Placards or License Plates are subject to fines of up to **\$1,250 and up to 50 hours of community service**.

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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.

[Transportation Code 681.011](#) and [Transportation Code 681.012](#)

What rights do people with disabilities have regarding buying gas?

[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 \(TAS\)](#) regulate 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 require that:

- ✪ A minimum number of accessible parking spaces must be provided, consistent with the chart below. At least one out of every eight accessible 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.

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- ⊛ 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.

Technical assistance on restriping parking lots by the Department of Justice

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 on 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](#). Tenants with disabilities may ask the owners to create accessible parking spaces so that they can access their apartments. 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 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

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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 provisions that touch on 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 on the day of the race.

Readily Achievable Standard

The ADA requires that buildings built before 1991 must remove architectural barriers when such removal is [“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:

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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.

Violation of construction law by a business, government agency, or other public accommodation

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)

File a complaint online: <https://www.license.state.tx.us/Complaints/>

Violation under the Americans with Disabilities Act

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

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(800) 514-0301 (voice)
(800) 514-0383 (TTY)
(202) 307-1198 (fax)

Violation by a landlord of a multi-family residential property

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 Workforce Commission Civil Rights Division](#) (TWCCRD) has the authority to investigate. TWCCRD is the state agency responsible for enforcing the Texas Fair Housing Act. To file a complaint with that office, you may wish to:

- Come to the TWCCRD office located at 1117 Trinity St., Room 144T, Austin, Texas, between the hours of 8:00 am and 5:00 pm. When you arrive at TWCCRD you will meet with an Investigator who will discuss what is required to file a complaint, how the complaint will be investigated, and will assist you in preparing the complaint.
- Call the TWCCRD office at 1-512-463-2642 or 1-888-452-4778. An Investigator will discuss what is required to file a complaint, how the complaint will be investigated, and will assist you in preparing the complaint.
- Write to TWCCRD at Civil Rights Division, 1117 Trinity St., Room 144-T, Austin, Texas 78701. Include the nature of your complaint and your contact information, including telephone number.

Violation of the Fair Housing Act

Additionally, [Fair Housing Act](#) complaints may also be filed with the [U.S. Department of Housing and Urban Development](#).

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