



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 15, 1992

Honorable James F. Hury, Jr.
Representative
Texas House of Representatives
P. O. Box 2910
Austin, Texas 78768-2910

Letter Opinion No. 92-12

Re: Ticketing of unauthorized vehicle
parked on private property in a "disabled"
designated parking space (ID# 15819)

Dear Representative Hury:

You requested the attorney general's opinion whether an "unauthorized vehicle" may be ticketed by a police officer for parking in a parking space on private property designated for the disabled. We understand by your use of the phrase "unauthorized vehicle," you mean a vehicle which is not used to transport disabled persons and which does not bear "disabled" license plates and a "disabled" windshield identification card.

Your question is answered by V.T.C.S. article 6675a-5e.1, sections 6A through 10. These provisions state that the Department of Highways and Public Transportation shall issue to disabled persons specially designed license plates and windshield identification cards. V.T.C.S. art. 6675a-5e.1, § 1; *see also id.* § 2 (defining "disabled"). A political subdivision or a person who controls property used for parking may designate parking spaces for the exclusive use of vehicles transporting disabled persons. *Id.* § 6A(a). Also, "[a] political subdivision may require a private property owner or a person who controls property used for parking: to designate . . . parking spaces . . . for the exclusive use of vehicles transporting . . . disabled persons." *Id.* § 6A(b)(1). It is a Class C misdemeanor for a vehicle that is not transporting disabled persons or that is not properly identified (by displaying the "disabled" license tags or windshield identification card), to park in a space that has been designated for use by vehicles transporting disabled persons. *Id.* § 10.

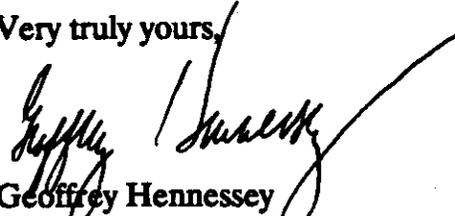
These provisions authorize political subdivisions to ticket unauthorized vehicles which park in spaces designated for use by vehicles transporting disabled persons. *Id.* § 6A(d). Pursuant to its police powers, the state may enact measures to further public safety or the general welfare that affect private property. *See generally City of El Paso v. Simmons*, 379 U.S. 497, 508-09 (1965); *State v. Richards*,

301 S.W.2d 597, 600-02 (Tex. 1957); *Railroad Comm'n of Texas v. Rowan Oil Co.*, 259 S.W.2d 173, 176 (Tex. 1953); *Town of Ascarate v. Villalobos*, 223 S.W.2d 945, 950 (Tex. 1949). We do not reach the question whether section 6A may be properly applied to *all* private property or would be constitutional in all its applications; whether the statute is constitutional as applied would depend on the individual circumstances of the case or whether any particular ordinance would be valid.

S U M M A R Y

Pursuant to V.T.C.S. article 6675a-5e.1, section 10, political subdivisions may ticket unauthorized vehicles which park in spaces on private property designated for use by vehicles transporting disabled persons.

Very truly yours,



Geoffrey Hennessey
Assistant Attorney General
Opinion Committee