

## Compliance – Resource Bulletin

# TEXAS – State Specific Signs

## ADA Parking Signs

### Overview:

All states must comply with The Americans with Disabilities Act of 1990. It is a federal wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. The 2010 ADA Standards for Accessible Design (ADAAG) stipulates design standards for accessible parking spaces. Section 502.6 of ADAAG and The Department of Transportation Standard for Highway Signs (MUTCD) both address design standards for the required signs.

### Resources:

**2010 ADAAG Standards:** (Free)

[http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

**MUTCD Standard for Highway Signs:** (Free)

[https://mutcd.fhwa.dot.gov/SHSe/shs\\_2004\\_2012\\_sup.pdf](https://mutcd.fhwa.dot.gov/SHSe/shs_2004_2012_sup.pdf)

**Texas Regulation:** (Free)

[http://www.adaptiveaccess.com/handicap\\_parking.php](http://www.adaptiveaccess.com/handicap_parking.php)

### Design of Parking Signs:

- Accessible parking spaces must have a sign that includes the international symbol of accessibility and state “RESERVED PARKING.” Spaces designed for van parking must also have a sign stating “VAN ACCESSIBLE.” (ADAAG 502.6), (MUTCD R7-8)
- The sign should be 12”W x 18”H with green lettering and border on a white background. The symbol of accessibility should be 4”H and be white on a blue background. The symbol is a depiction of a person in a wheel chair. (MUTCD R7-8), (ADAAG 703.7.2.1)
- If required, the van accessible sign should be 12”W x 6”H and have green lettering and border on a white background or white lettering and border on a blue background. (MUTCD R7-8a, R&-8b)
- Signs should be mounted at least 60 inches above the parking surface so as to not be obstructed by any parked vehicles.
- Signs should be constructed to withstand the elements. An aluminum substrate with a reflective surface using UV stable ink is recommended. An anti-graffiti laminate surface might also be considered.
- Of note: Federal accessibility signs avoid the use of the text “handicapped” or “disabled” as a result of the Department of Justice’s efforts to make use of up-to-date accepted terminology and avoid stereotyping of individuals. (28CFR35.104)
- Texas does not mandate any sign requirements in addition to those stipulated by ADAAG.
- Each accessible parking space shall be designated as reserved by a vertically mounted or suspended sign showing the symbol of accessibility. Van accessible spaces shall have an additional sign “Van-Accessible” mounted below the symbol of accessibility. Characters and symbols on such signs shall be located 60” minimum above the ground, floor or paving surface so they cannot be obscured by a vehicle parked in the space.

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### No Smoking Signs

#### Overview:

The State of Texas does not have a statewide wide ban prohibiting smoking in all public places but does stipulate certain public facilities where smoking is prohibited.

#### Resources:

**Texas Regulation:** (Free) <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.48.htm>

#### Design of No Smoking Signs:

- In Texas, smoking is prohibited in public primary or secondary schools, elevators, enclosed theaters or movie houses, libraries, museums, hospitals, transit system or interstate buses, planes, and trains. However, within such facilities an area may be designated, if posted as such, where smoking is permissible. (Title 10, Sec. 48.01 (a))
- It is the responsibility of the facility to post a sign designating that “Smoking is prohibited by state law, punishable by a fine not to exceed \$500.” (Title 10, Sec. 48.01 (b))
- Of note: Many cities in Texas regulate smoking more stringently than the state statute, banning smoking in all public facilities or in all facilities with the exception of bars and restaurants. Texas state law is silent as to whether local governments may impose these stricter prohibitions.

### Swimming Pool Signs

#### Overview:

Title 25, Part 1, Chap. 265 of the Texas Administrative Code, Department of State Health Services, stipulates rules governing the use of public swimming pools and spas. The code became effective on 9/1/2004 and requires the posting of signs at public swimming pools and spas.

#### Resources:

**Texas Regulation:** (Free) [http://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p\\_dir=&p\\_rloc=&p\\_tloc=&p\\_ploc=&pg=1&p\\_tac=&ti=25&pt=1&ch=265&rl=199](http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=25&pt=1&ch=265&rl=199)

**NSP Foundation:** (Free) [http://nspf.org/en/Resources/News\\_StateCodes.aspx](http://nspf.org/en/Resources/News_StateCodes.aspx)

#### Design of Swimming Pool Signs:

- Texas requires that a number of readily visible signs be posted inside the enclosure at public swimming pools and spas as follows:
- A sign stating “POOL RULES.” (Sec 265.199)
- A sign stating “SPA RULES.” (Sec 265.205)
- At pools where there is no lifeguard provided, a sign stating “NO DIVING” along with the international symbol for no diving. (Sec 265.199)

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- At pools where there is no lifeguard on duty, a sign stating “WARNING-NO LIFEGUARD ON DUTY,” and also stating “CHILDREN SHOULD NOT USE POOL WITHOUT ADULT SUPERVISION.” (Sec 265.199)
- A sign which states “IN CASE OF EMERGENCY CALL 911” and the location of the telephone if it is not readily visible from the pool or spa. (Sec. 265.199 & 265.205)

## Concealed Weapon Signs

### Overview:

All states have passed laws allowing citizens to carry certain concealed firearms in public either without a permit or with a permit issued by state or local law enforcement. Texas citizens may apply for a state permit allowing CCW at the age of 21 (18 if a veteran of the armed forces). Texas also honors the CCW permits of many other states. There are public places in the state where CCW is forbidden even with a permit, such as bars, churches, amusement parks, etc. See the statute for a full listing. (Section 46.03) Also, a private business may voluntarily create a “weapons free” zone by posting a “no concealed weapons allowed” sign on their premises even though CCW would normally be allowed.

### Resources:

**Texas Regulation:** (Free) <http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.30.htm>  
**Handgunlaw.com/Texas:** <http://www.handgunlaw.us/states/texas.pdf>

### Design of Concealed Weapons Signs:

- By state law, the owner of a private business may forbid CCW in their establishment by posting a sign stating “PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLD WITH A CONCEALED HANDGUN) A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.”
- Business owners can also forbid openly carried weapons by positing a sign stating “PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.”
- The sign text must be in block letters at least one inch in height and be presented in both English and Spanish. (Section 30.06 and 30.07)
- Business owners should post both signs if they want their property to be completely gun free.

## Cell Phone Signs

### Overview:

Texas has adopted state wide bans on certain behavior involving cell phones and text messaging with hand held communication devices.

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### Resources:

**Texas Regulation:** (Free) <http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=81R&Bill=HB55>  
**Texas Regulation:** (Free) <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=81R&Bill=HB339>  
**Handsfreeinfo.com:** (Free) <http://handsfreeinfo.com/texas-cell-phone-laws-legislation/>

### Design of Cell Phone Signs:

- A person under the age of 18 years may not drive while using any type of cell phone for any purpose. (HB 339 {9/1/2009})
- Passenger bus drivers may not drive while using any type of cell phone for any purpose. (HB 55 {9/1/2009})
- All drivers are forbidden from using a hand held cell phone for any purpose while driving in a school zone. (HB 55 {9/1/2009})
- As of September 1, 2017, all drivers are barred from “electronic messaging” (texting, email, instant messaging) while driving. (HB 62)
- An efficient way to remind both commercial and private drivers of cell phone bans is to apply a “No Cell Phone Use While Driving” safety label or window decal to cars, taxi cabs, trucks, and buses.
- As of 9/1/2019 we are unaware of any mandatory “no cell phone” sign postings required in Texas.
- Of note: Because cell phones can be distractive by nature, it is common to see signs regulating cell phone use in public buildings such as theaters, airports, courtrooms, hospitals, buses, schools and school traffic zones.

## Baby Surrender Signs

### Overview:

Since the first baby surrender (safe-haven) law was enacted in Texas in 1999, all U.S. states, as well as the District of Columbia, have passed safe-haven legislation. The laws allow an unharmed infant to be relinquished to the proper authorities.

### Resources:

**Texas Regulation:** (Free) [http://www.nationalsafehavenalliance.org/maps/Texas\\_Safe\\_Haven\\_Law.pdf](http://www.nationalsafehavenalliance.org/maps/Texas_Safe_Haven_Law.pdf)  
**NSH Alliance:** (Free) <http://www.nationalsafehavenalliance.org/>

### Design of Baby Surrender Signs:

- Texas has adopted provisions for the relinquishing of a new born infant (60 days old or less) by a parent who no longer wishes to have custody of the child. The infant may be relinquished at any hospital, licensed child welfare agency, or emergency medical facility required by the Act. These facilities must post a sign indicating they are an approved facility for baby surrender and will accept possession of a child. The statute does not specify further design elements of the required sign. (262.306)

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