

# HOUSE BILL No. 1668

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-16-9.

**Synopsis:** Handicap parking aisles. Makes it a Class C infraction for a vehicle without an appropriate parking permit to park in or block an access aisle for a handicapped parking space.

**Effective:** July 1, 1999.

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January 21, 1999, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1668

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-16-9-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The definitions in this section  
3 apply throughout this chapter.  
4 (b) **"Access aisle" refers to an access aisle in a parking facility  
5 that is marked in conformity with section 4 of this chapter as an  
6 access aisle for an accessible parking space reserved for a person  
7 with physical disabilities.**  
8 ~~(b)~~ (c) "Accessible parking space" refers to a parking space that  
9 conforms with the standards of section 4 of this chapter.  
10 ~~(c)~~ (d) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.  
11 ~~(d)~~ (e) "Parking facility" means any facility or combination of  
12 facilities for motor vehicle parking which contains parking spaces for  
13 the public.  
14 ~~(e)~~ (f) "Person with a physical disability" means a person who has  
15 been issued a placard under IC 9-14-5 or a person with a disability  
16 registration plate for a motor vehicle by the bureau of motor vehicles  
17 under IC 9-18-22.



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1           Ⓕ (g) "Public agency" means:

2           (1) the state of Indiana, its departments, agencies, boards,  
3           commissions, and institutions, including state educational  
4           institutions (as defined under IC 20-12-0.5-1); and

5           (2) a county, city, town, township, school or conservancy district,  
6           other governmental unit or district, or any department, board, or  
7           other subdivision of the unit of government.

8           SECTION 2. IC 5-16-9-5 IS AMENDED TO READ AS FOLLOWS  
9           [EFFECTIVE JULY 1, 1999]: Sec. 5. (a) Any person who parks a  
10          motor vehicle which does not have displayed a placard of a person with  
11          a physical disability or a disabled veteran, issued under IC 9-14-5 or  
12          under the laws of another state, or a registration plate of a person with  
13          a physical disability or a disabled veteran, issued under IC 9-18-18,  
14          IC 9-18-22, or under the laws of another state, in:

15           (1) a parking space; **or**

16           (2) **an access aisle for a parking space;**

17          reserved under this chapter for a vehicle of a person with a physical  
18          disability commits a Class C infraction.

19          (b) Any person who knowingly parks in:

20           (1) a parking space; **or**

21           (2) **an access aisle for a parking space;**

22          reserved for a person with a physical disability while displaying a  
23          placard to which neither the person nor the person's passenger is  
24          entitled commits a Class C infraction.

25          (c) Any person who displays for use in parking in:

26           (1) a parking space; **or**

27           (2) **an access aisle for a parking space;**

28          reserved for a person with a physical disability a placard or a special  
29          license plate that was not issued under IC 9-14-5, IC 9-18-18,  
30          IC 9-18-22, or under the laws of another state commits a Class C  
31          misdemeanor.

32          (d) A person who, in:

33           (1) a parking space; **or**

34           (2) **an access aisle for a parking space;**

35          reserved for a person with a physical disability, parks a vehicle that  
36          displays a placard or special registration plate entitling a person to park  
37          in a parking space reserved for a person with a physical disability  
38          commits a Class C infraction if that person is not, at that time, in the  
39          process of transporting a person with a physical disability or disabled  
40          veteran.

41          (e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less  
42          than fifty dollars (\$50) must be imposed for an infraction committed in



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1 violation of this section.

2 SECTION 3. IC 5-16-9-8 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) As used in this section,  
4 "owner" means a person in whose name a motor vehicle is registered  
5 under:

- 6 (1) IC 9-18;  
7 (2) the laws of another state; or  
8 (3) the laws of a foreign country.

9 (b) As used in this section, "lessee" means a person who has care,  
10 custody, or control of a motor vehicle under a written agreement for the  
11 rental or lease of the motor vehicle for less than sixty-one (61) days.  
12 The term does not include an employee of the owner of the motor  
13 vehicle.

14 (c) An owner or lessee of a motor vehicle commits a Class C  
15 infraction if the motor vehicle:

- 16 (1) is located in:  
17 (A) a parking space in a parking facility that is marked under  
18 section 2 of this chapter as a parking space reserved for a  
19 person with a physical disability;  
20 (B) **an access aisle; or**  
21 (C) **another location in a parking facility that blocks use of**  
22 **an access aisle; and**

- 23 (2) does not display:  
24 (A) an unexpired parking permit for a person with a physical  
25 disability issued under IC 9-14-5;  
26 (B) an unexpired disabled veteran's registration plate issued  
27 under IC 9-18-18;  
28 (C) an unexpired registration plate or decal for a person with  
29 a physical disability issued under IC 9-18-22; or  
30 (D) an unexpired parking permit for a person with a physical  
31 disability, an unexpired disabled veteran's registration plate, or  
32 an unexpired registration plate or decal for a person with a  
33 physical disability issued under the laws of another state.

34 (d) It is a defense that IC 9-30-11-8 applies to the violation.

35 (e) It is a defense that the motor vehicle was the subject of an  
36 offense described in IC 35-43-4 at the time of the violation of this  
37 section.

38 (f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less  
39 than fifty dollars (\$50) must be imposed for an infraction committed in  
40 violation of this section.

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