

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1237 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-16-9-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) The definitions
- 5 in this section apply throughout this chapter.
- 6 (b) "Accessible parking space" refers to a parking space that
- 7 conforms with the standards of section 4 of this chapter.
- 8 (c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.
- 9 (d) "Parking facility" means any facility or combination of facilities
- 10 for motor vehicle parking which contains parking spaces for the public.
- 11 (e) "Person with a physical disability" means a person who has been
- 12 issued a placard under IC 9-14-5 or a person with a disability
- 13 registration plate for a motor vehicle by the bureau of motor vehicles
- 14 under IC 9-18-22.
- 15 **(f) "Person with children" means a person who has been issued**
- 16 **a placard under IC 9-14-6.**
- 17 **(f) (g) "Public agency" means:**
- 18 (1) the state of Indiana, its departments, agencies, boards,
- 19 commissions, and institutions, including state educational
- 20 institutions (as defined under IC 20-12-0.5-1); and
- 21 (2) a county, city, town, township, school or conservancy district,
- 22 other governmental unit or district, or any department, board, or
- 23 other subdivision of the unit of government.
- 24 SECTION 2. IC 5-16-9-1.6 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.6. ~~Notwithstanding~~
 2 ~~any requirement of this chapter~~; A person who complies with:

3 (1) Title III of the Americans with Disabilities Act of 1990 (42
 4 U.S.C. 12181); and

5 (2) the Americans with Disabilities Act Guidelines adopted by the
 6 United States Department of Justice;

7 complies with **those provisions of this chapter applying to persons**
 8 **with physical disabilities.**

9 SECTION 3. IC 5-16-9-5.5 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2007]: **Sec. 5.5. (a) Any person who parks a motor vehicle that**
 12 **does not have displayed a placard of a person with children issued**
 13 **under IC 9-14-6 in a parking space reserved under this chapter**
 14 **commits a Class C infraction.**

15 (b) **Any person who knowingly parks in a parking space**
 16 **reserved for a person with children while displaying a placard to**
 17 **which the person is not entitled commits a Class C infraction.**

18 (c) **Any person who displays for use in parking in a parking**
 19 **space reserved for a person with children a placard that was not**
 20 **issued under IC 9-14-6 commits a Class C misdemeanor.**

21 (d) **A person who, in a parking space reserved for a person with**
 22 **children, parks a vehicle that displays a placard entitling a person**
 23 **to park in a parking space reserved for a person with children**
 24 **commits a Class C infraction if that person is not:**

25 (1) **a pregnant woman; or**

26 (2) **in the process of transporting at least one (1) child whose**
 27 **birth certificate is attached to the placard.**

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

31 SECTION 4. IC 5-16-9-8 IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) As used in this section,
 33 "owner" means a person in whose name a motor vehicle is registered
 34 under:

35 (1) IC 9-18;

36 (2) the laws of another state; or

37 (3) the laws of a foreign country.

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

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

45 (1) is located in a parking space in a parking facility that is
 46 marked under section 2 of this chapter as a parking space reserved

- 1 for a person with a physical disability **or a person with children;**
 2 and
 3 (2) does not display:
 4 (A) an unexpired parking permit for a person with a physical
 5 disability issued under IC 9-14-5;
 6 (B) an unexpired disabled veteran's registration plate issued
 7 under IC 9-18-18;
 8 (C) an unexpired registration plate or decal for a person with
 9 a physical disability issued under IC 9-18-22; ~~or~~
 10 (D) an unexpired parking permit for a person with a physical
 11 disability, an unexpired disabled veteran's registration plate, or
 12 an unexpired registration plate or decal for a person with a
 13 physical disability issued under the laws of another state; **or**
 14 **(E) an unexpired placard for a person with children issued**
 15 **under IC 9-14-6.**
 16 (d) It is a defense that IC 9-30-11-8 applies to the violation.
 17 (e) It is a defense that the motor vehicle was the subject of an
 18 offense described in IC 35-43-4 at the time of the violation of this
 19 section.
 20 (f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less
 21 than fifty dollars (\$50) must be imposed for an infraction committed in
 22 violation of this section.
 23 SECTION 5. IC 5-16-9-9 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) This chapter does not prohibit
 25 a county, city, or town from adopting and enforcing an ordinance that
 26 regulates standing or parking of motor vehicles in a space reserved for:
 27 **(1) a person with a physical disability under section 2 of this**
 28 **chapter, IC 9-21-1-3, or IC 9-21-18-4; or**
 29 **(2) a person with children.**
 30 (b) An ordinance described in subsection (a) may not conflict with
 31 this chapter.
 32 (c) An ordinance described in subsection (a) may not require a
 33 person to obtain or display any permit, registration plate, or registration
 34 decal to stand or park in a space reserved for a person with a physical
 35 disability under section 2 of this chapter, except the following:
 36 (1) A parking permit for a person with a physical disability issued
 37 under IC 9-14-5.
 38 (2) A disabled veteran's registration plate issued under
 39 IC 9-18-18.
 40 (3) A registration plate or decal for a person with a physical
 41 disability issued under IC 9-18-22.
 42 **(4) A placard for a person with children issued under**
 43 **IC 9-14-6.**
 44 (d) An ordinance described in subsection (a) must permit a motor
 45 vehicle displaying an unexpired parking permit for a person with a
 46 physical disability, an unexpired disabled veteran's registration plate,

1 or an unexpired registration plate or decal for a person with a physical
 2 disability issued under the laws of another state to stand or park in a
 3 space reserved for a person with a physical disability but only when the
 4 vehicle is being used to transport a person with a physical disability.".

5 Page 2, between lines 29 and 30, begin a new paragraph and insert:
 6 "SECTION 11. IC 9-14-6 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2007]:

9 **Chapter 6. Parking Placards for Persons With Children**

10 **Sec. 1. The bureau shall issue a placard to the following:**

11 (1) A pregnant woman who is certified as pregnant by a
 12 physician having an unlimited license to practice medicine.

13 (2) A person who operates a vehicle that is being used to
 14 transport at least one (1) child who is:

15 (A) less than eight (8) years of age; and

16 (B) required to be properly fastened and restrained in a
 17 child restraint system under IC 9-19-11-2.

18 **Sec. 2. The placard required under section 1 of this chapter
 19 must contain the following:**

20 (1) The words "Parking Permit for Persons With Children".

21 (2) An expiration date.

22 **Sec. 3. A placard issued under section 1(1) of this chapter
 23 expires one (1) month after the date on which the woman ceases to
 24 be pregnant, as certified by the woman's attending physician.**

25 **Sec. 4. A placard issued under section 1(2) of this chapter
 26 expires on the date on which the youngest child being transported
 27 in the vehicle reaches eight (8) years of age, as evidenced by a copy
 28 of the child's birth certificate attached to the placard.**

29 **Sec. 5. When issuing a placard under this chapter, the bureau
 30 shall provide the individual to whom a placard is issued
 31 instructions explaining the proper use of the placard.**

32 **Sec. 6. A placard issued under this chapter must be displayed on
 33 the dashboard of a motor vehicle that is parked in a parking space
 34 reserved for persons with children under IC 5-16-9. If a placard is
 35 lost, stolen, damaged, or destroyed, the bureau shall provide a
 36 duplicate placard upon the application of the person who was
 37 issued the placard.**

38 **Sec. 7. The bureau shall adopt rules under IC 4-22-2 to
 39 implement this chapter.**

1 **Sec. 8. A person who knowingly and falsely represents the**
2 **person as having the qualifications to obtain a placard issued under**
3 **this chapter commits a Class C misdemeanor."**

4 Renumber all SECTIONS consecutively.
 (Reference is to HB 1237 as printed February 9, 2007.)

Representative Stutzman