



March 22, 2013

ENGROSSED
SENATE BILL No. 387

DIGEST OF SB 387 (Updated March 20, 2013 3:34 pm - DI 69)

Citations Affected: IC 5-16.

Synopsis: Parking for persons with disabilities. Increases from \$50 to \$100 the minimum civil judgment imposed for certain infractions involving parking a motor vehicle in a space reserved for a person with a physical disability or a disabled veteran.

Effective: July 1, 2013.

Charbonneau, Young R Michael,
Randolph

(HOUSE SPONSORS — VANNATTER, NIEMEYER)

January 10, 2013, read first time and referred to Committee on Corrections & Criminal Law.
January 24, 2013, reported favorably — Do Pass.
January 31, 2013, read second time, amended, ordered engrossed.
February 1, 2013, engrossed.
February 4, 2013, read third time, passed. Yeas 45, nays 4.
HOUSE ACTION
February 26, 2013, read first time and referred to Committee on Courts and Criminal Code.
March 21, 2013, reported — Do Pass.

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ES 387—LS 7189/DI 103+



March 22, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 387

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

- 1 SECTION 1. IC 5-16-9-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Any person who parks a
3 motor vehicle which does not have displayed a placard of a person with
4 a physical disability or a disabled veteran, issued under IC 9-14-5 or
5 under the laws of another state, or a registration plate of a person with
6 a physical disability or a disabled veteran, issued under IC 9-18-18,
7 IC 9-18-22, or under the laws of another state, in a parking space
8 reserved under this chapter for a vehicle of a person with a physical
9 disability commits a Class C infraction.
10 (b) Any person who knowingly parks in a parking space reserved for
11 a person with a physical disability while displaying a placard to which
12 neither the person nor the person's passenger is entitled commits a
13 Class C infraction.
14 (c) Any person who displays for use in parking in a parking space
15 reserved for a person with a physical disability a placard or a special
16 license plate that was not issued under IC 9-14-5, IC 9-18-18,
17 IC 9-18-22, or under the laws of another state commits a Class C

ES 387—LS 7189/DI 103+



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1 misdemeanor.

2 (d) A person who, in a parking space reserved for a person with a
3 physical disability, parks a vehicle that displays a placard or special
4 registration plate entitling a person to park in a parking space reserved
5 for a person with a physical disability commits a Class C infraction if
6 that person is not, at that time, in the process of transporting a person
7 with a physical disability or disabled veteran.

8 (e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less
9 than ~~fifty dollars (\$50)~~ **one hundred dollars (\$100)** must be imposed
10 for an infraction committed in violation of this section.

11 SECTION 2. IC 5-16-9-8 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2013]: Sec. 8. (a) As used in this section,
13 "owner" means a person in whose name a motor vehicle is registered
14 under:

- 15 (1) IC 9-18;
16 (2) the laws of another state; or
17 (3) the laws of a foreign country.

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

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

- 25 (1) is located in a parking space in a parking facility that is
26 marked under section 2 of this chapter as a parking space reserved
27 for a person with a physical disability; and
28 (2) does not display:
29 (A) an unexpired parking permit for a person with a physical
30 disability issued under IC 9-14-5;
31 (B) an unexpired disabled veteran's registration plate issued
32 under IC 9-18-18;
33 (C) an unexpired registration plate or decal for a person with
34 a physical disability issued under IC 9-18-22; or
35 (D) an unexpired parking permit for a person with a physical
36 disability, an unexpired disabled veteran's registration plate, or
37 an unexpired registration plate or decal for a person with a
38 physical disability issued under the laws of another state.

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

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

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1 (f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less
2 than ~~fifty dollars (\$50)~~ **one hundred dollars (\$100)** must be imposed
3 for an infraction committed in violation of this section.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 387, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 387 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 5, Nays 4.

SENATE MOTION

Madam President: I move that Senate Bill 387 be amended to read as follows:

Page 2, line 9, delete "two hundred dollars (\$200)" and insert "**one hundred dollars (\$100)**".

Page 3, line 2, delete "two hundred dollars (\$200)" and insert "**one hundred dollars (\$100)**".

(Reference is to SB 387 as printed January 25, 2013.)

TALLIAN

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 387, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MCMILLIN, Chair

Committee Vote: yeas 9, nays 0.

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