

SENATE BILL No. 387

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-16-9.

Synopsis: Parking for persons with disabilities. Increases from \$50 to \$200 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

January 10, 2013, read first time and referred to Committee on Corrections & Criminal Law.

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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.

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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



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misdemeanor.

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

(e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less than ~~fifty dollars (\$50)~~ **two hundred dollars (\$200)** must be imposed for an infraction committed in violation of this section.

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

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

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

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

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

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

(e) It is a defense that the motor vehicle was the subject of an offense described in IC 35-43-4 at the time of the violation of this 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)~~ **two hundred dollars (\$200)** must be imposed
3 for an infraction committed in violation of this section.

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