January 25, 2013

SENATE BILL No. 387

DIGEST OF SB 387 (Updated January 22, 2013 1:00 pm - DI 106)

Citations Affected: IC 5-16.

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.
January 24, 2013, reported favorably — Do Pass.

C o p y

January 25, 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.

C o p y

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:

SECTION 1. IC 5-16-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. (a) Any person who parks a motor vehicle which does not have displayed a placard of a person with a physical disability or a disabled veteran, issued under IC 9-14-5 or under the laws of another state, or a registration plate of a person with a physical disability or a disabled veteran, issued under IC 9-18-18, IC 9-18-22, or under the laws of another state, in a parking space reserved under this chapter for a vehicle of a person with a physical disability commits a Class C infraction.

(b) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled commits a Class C infraction.

(c) Any person who displays for use in parking in a parking space reserved for a person with a physical disability a placard or a special license plate that was not issued under IC 9-14-5, IC 9-18-18, IC 9-18-22, or under the laws of another state commits a Class C

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.

C o p y

(f) 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.

C o p y

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.

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