

HOUSE BILL No. 1207

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-16-9; IC 9-18.5-5-7.

Synopsis: Disabled Hoosier veteran parking placard. Provides for a disabled Hoosier veteran parking placard for eligible individuals.

Effective: July 1, 2019.

Judy

January 10, 2019, read first time and referred to Committee on Roads and Transportation.



First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1207

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 5-16-9-5, AS AMENDED BY P.L.198-2016,
2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 5. (a) Any person who parks a motor vehicle
4 which does not have displayed a placard of a person with a physical
5 disability or a disabled veteran, issued under IC 9-14-5 (before its
6 repeal), **IC 9-18.5-5**, IC 9-18.5-8, or under the laws of another state, or
7 a registration plate of a person with a physical disability or a disabled
8 veteran, issued under IC 9-18-18 (before its expiration),
9 IC 9-18-19-1(b) (before its expiration), IC 9-18-22 (before its
10 expiration), IC 9-18.5-5, IC 9-18.5-6, IC 9-18.5-8, or under the laws of
11 another state, in a parking space reserved under this chapter for a
12 vehicle of a person with a physical disability commits a Class C
13 infraction.

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



1 (c) Any person who displays for use in parking in a parking space
 2 reserved for a person with a physical disability a placard or a special
 3 license plate that was not issued under IC 9-14-5 (before its repeal),
 4 IC 9-18-18 (before its expiration), IC 9-18-19-1(b) (before its
 5 expiration), IC 9-18-22 (before its expiration), IC 9-18.5-6, or
 6 IC 9-18.5-8, or under the laws of another state commits a Class C
 7 misdemeanor.

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

14 (e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less
 15 than one hundred dollars (\$100) must be imposed for an infraction
 16 committed in violation of this section.

17 SECTION 2. IC 5-16-9-8, AS AMENDED BY P.L.198-2016,
 18 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2019]: Sec. 8. (a) As used in this section, "owner" means a
 20 person in whose name a motor vehicle is registered under:

- 21 (1) IC 9-18 (before its expiration) or IC 9-18.1;
- 22 (2) the laws of another state; or
- 23 (3) the laws of a foreign country.

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

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

- 31 (1) is located in a parking space in a parking facility that is
 32 marked under section 2 of this chapter as a parking space reserved
 33 for a person with a physical disability; and
- 34 (2) does not display:
 - 35 (A) an unexpired parking placard for a person with a physical
 36 disability issued under IC 9-14-5 (before its repeal),
 37 **IC 9-18.5-5**, or IC 9-18.5-8;
 - 38 (B) an unexpired disabled veteran's registration plate issued
 39 under IC 9-18-18 (before its expiration) or IC 9-18.5-5 or an
 40 unexpired modified Purple Heart license plate under
 41 IC 9-18-19-1(b) (before its expiration) or IC 9-18.5-6-1(b);
 - 42 (C) an unexpired registration plate or decal for a person with



1 a physical disability issued under IC 9-18-22 (before its
2 expiration) or IC 9-18.5-8; or

3 (D) an unexpired parking permit for a person with a physical
4 disability, an unexpired disabled veteran's registration plate, or
5 an unexpired registration plate or decal for a person with a
6 physical disability issued under the laws of another state.

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

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

11 (f) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less
12 than one hundred dollars (\$100) must be imposed for an infraction
13 committed in violation of this section.

14 SECTION 3. IC 5-16-9-9, AS AMENDED BY P.L.198-2016,
15 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2019]: Sec. 9. (a) This chapter does not prohibit a county, city,
17 or town from adopting and enforcing an ordinance that regulates
18 standing or parking of motor vehicles in a space reserved for a person
19 with a physical disability under section 2 of this chapter, IC 9-21-1-3,
20 or IC 9-21-18-4.

21 (b) An ordinance described in subsection (a) may not conflict with
22 this chapter.

23 (c) An ordinance described in subsection (a) may not require a
24 person to obtain or display any permit, registration plate, or registration
25 decal to stand or park in a space reserved for a person with a physical
26 disability under section 2 of this chapter, except the following:

27 (1) A parking placard for a person with a physical disability
28 issued under IC 9-14-5 (before its repeal), **IC 9-18.5-5**, or
29 IC 9-18.5-8.

30 (2) A disabled veteran's registration plate issued under IC 9-18-18
31 (before its expiration) or IC 9-18.5-5 or a modified Purple Heart
32 license plate under IC 9-18-19-1(b) (before its expiration) or
33 IC 9-18.5-6-1(b).

34 (3) A registration plate or decal for a person with a physical
35 disability issued under IC 9-18-22 (before its expiration) or
36 IC 9-18.5-8.

37 (d) An ordinance described in subsection (a) must permit a motor
38 vehicle displaying:

39 (1) an unexpired parking permit for a person with a physical
40 disability;

41 (2) an unexpired disabled veteran's registration plate; or

42 (3) an unexpired registration plate or decal for a person with a



1 physical disability;
 2 issued under the laws of another state to stand or park in a space
 3 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 SECTION 4. IC 9-18.5-5-7 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2019]: **Sec. 7. (a) The bureau may issue a disabled Hoosier
 8 veteran parking placard that designates a vehicle as a vehicle that
 9 is regularly used to transport an individual who meets the criteria
 10 set forth in section 1(a) of this chapter.**

11 **(b) An application for a disabled Hoosier veteran parking
 12 placard must be accompanied by a certificate from the:**

- 13 **(1) United States Department of Veterans Affairs; or**
 14 **(2) appropriate branch of the armed forces of the United
 15 States;**

16 **confirming the eligibility of the individual submitting the
 17 application for the disabled Hoosier veteran parking placard.**

18 **(c) An individual qualifying under subsection (a) may not be:**

- 19 **(1) charged a fee for parking in a metered space; or**
 20 **(2) assessed a penalty for parking in a metered space for
 21 longer than the time permitted.**

22 **(d) This section does not authorize parking of a vehicle in a
 23 parking space during a time when parking in the space is
 24 prohibited if the prohibition is:**

- 25 **(1) posted; and**
 26 **(2) authorized:**
 27 **(A) by ordinances in cities and towns; or**
 28 **(B) by order of the Indiana department of transportation.**

29 **(e) The bureau shall design a disabled Hoosier veteran parking
 30 placard for display in a vehicle used to transport an individual
 31 qualifying under subsection (a). A disabled Hoosier veteran
 32 parking placard must:**

- 33 **(1) be gold in color with blue lettering;**
 34 **(2) include:**
 35 **(A) the official international wheelchair symbol, a
 36 reasonable facsimile of the international wheelchair
 37 symbol, or another symbol selected by the bureau to
 38 designate the vehicle as being used to transport a person
 39 with a disability; and**
 40 **(B) an expiration date; and**
 41 **(3) have the ability to hang from the rearview mirror of a
 42 vehicle.**



- 1 **(f) The disabled Hoosier veteran parking placard authorized**
2 **under this section shall be issued by the bureau for any**
3 **classification of vehicle required to be registered under Indiana**
4 **law, but the disabled Hoosier parking placard may not be used for**
5 **commercial vehicles.**
- 6 **(g) There is no fee for a disabled Hoosier veteran parking**
7 **placard issued under this section.**
- 8 **(h) If a disabled Hoosier veteran parking placard issued under**
9 **this section is lost, stolen, damaged, or destroyed, the bureau shall**
10 **issue a duplicate placard upon application by the person to whom**
11 **the placard was issued.**

