

|                    |                     |
|--------------------|---------------------|
| 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| WITHDRAWN          | Noes _____          |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 1. 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 2. IC 5-16-9-2 IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) Except as provided in  
11 subsection (d), each parking facility that provides parking spaces for  
12 self-parking by employees or visitors must have accessible parking  
13 spaces reserved according to the following schedule:

| 14 TOTAL NUMBER OF | MINIMUM NUMBER        |
|--------------------|-----------------------|
| 15 PARKING SPACES  | OF RESERVED           |
| 16 IN FACILITY     | SPACES                |
| 17 1 to 25         | 1                     |
| 18 26 to 50        | 2                     |
| 19 51 to 75        | 3                     |
| 20 76 to 100       | 4                     |
| 21 101 to 150      | 5                     |
| 22 151 to 200      | 6                     |
| 23 201 to 300      | 7                     |
| 24 301 to 400      | 8                     |
| 25 401 to 500      | 9                     |
| 26 501 to 1,000    | 2% of total           |
| 27 over 1,000      | 20 plus 1 for each    |
| 28                 | 100 spaces over 1,000 |

29 **A facility with fifty (50) or fewer parking spaces is not required to**  
30 **reserve accessible parking spaces for vehicles displaying a placard**  
31 **of a person with children issued under IC 9-14-6.**

32 (b) A parking facility may provide accessible parking spaces in a  
33 different location from other parking spaces if the location of the  
34 accessible spaces results in equivalent or greater access by the shortest  
35 accessible route of travel to an accessible entrance of:

36 (1) a building, if the parking facility serves a specific building; or

37 (2) the parking facility, if the parking facility does not serve a  
38 specific building.

39 (c) This subsection applies to a building with more than one (1)  
40 accessible entrance that has parking adjacent to the entrances.  
41 Accessible parking spaces for a building described in this subsection  
42 must be dispersed and located closest to the accessible entrances.

43 (d) This subsection applies to a facility that provides medical care  
44 or other services for persons with mobility impairments. A facility  
45 described in this subsection must provide accessible parking spaces  
46 according to the following schedule:

- 1 (1) An outpatient facility or unit: Ten percent (10%) of the total  
 2 number of parking spaces serving the facility or unit must be  
 3 accessible parking spaces.
- 4 (2) A facility or unit that specializes in treatment or services for  
 5 persons with mobility impairments: Twenty percent (20%) of the  
 6 total number of parking spaces serving the facility or unit must be  
 7 accessible parking spaces.
- 8 (e) The reserved space or spaces under this chapter must be reserved  
 9 by posting immediately adjacent to and visible from the space or spaces  
 10 a vertical sign measuring at least forty-eight (48) inches from the base  
 11 of the sign, located in a manner that will not be obscured by a vehicle  
 12 parked in the space, and bearing the following:
- 13 (1) The international symbol of accessibility.
- 14 (2) Letters and numbers that have a width to height ratio between  
 15 3:5 and 1:1 and a stroke width to height ratio between 1:5 and  
 16 1:10.
- 17 (3) Characters and numbers that are sized according to the  
 18 distance from which the characters and numbers are read, with the  
 19 minimum height measured by an uppercase "X". Lowercase  
 20 characters may be used.
- 21 (f) The characters and background of a sign required under  
 22 subsection (e) must be eggshell, matte, or another nonglare finish.  
 23 Characters and symbols used on a sign must contrast with the  
 24 background color of the sign.
- 25 SECTION 3. IC 5-16-9-5.5 IS ADDED TO THE INDIANA CODE  
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 27 1, 2007]: **Sec. 5.5. (a) Any person who parks a motor vehicle that  
 28 does not have displayed a placard of a person with children issued  
 29 under IC 9-14-6 in a parking space reserved under this chapter  
 30 commits a Class C infraction.**
- 31 **(b) Any person who knowingly parks in a parking space  
 32 reserved for a person with children while displaying a placard to  
 33 which the person is not entitled commits a Class C infraction.**
- 34 **(c) Any person who displays for use in parking in a parking  
 35 space reserved for a person with children a placard that was not  
 36 issued under IC 9-14-6 commits a Class C misdemeanor.**
- 37 **(d) A person who, in a parking space reserved for a person with  
 38 children, parks a vehicle that displays a placard entitling a person  
 39 to park in a parking space reserved for a person with children  
 40 commits a Class C infraction if that person is not:**
- 41 **(1) a pregnant woman; or**
- 42 **(2) in the process of transporting at least one (1) child whose  
 43 birth certificate is attached to the placard.**
- 44 **(e) Notwithstanding IC 34-28-5-4(c), a civil judgment of not less  
 45 than fifty dollars (\$50) must be imposed for an infraction  
 46 committed in violation of this section.**

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

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

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

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

- 15 (1) is located in a parking space in a parking facility that is  
 16 marked under section 2 of this chapter as a parking space reserved  
 17 for a person with a physical disability **or a person with children;**  
 18 and

19 (2) does not display:

20 (A) an unexpired parking permit for a person with a physical  
 21 disability issued under IC 9-14-5;

22 (B) an unexpired disabled veteran's registration plate issued  
 23 under IC 9-18-18;

24 (C) an unexpired registration plate or decal for a person with  
 25 a physical disability issued under IC 9-18-22; ~~or~~

26 (D) an unexpired parking permit for a person with a physical  
 27 disability, an unexpired disabled veteran's registration plate, or  
 28 an unexpired registration plate or decal for a person with a  
 29 physical disability issued under the laws of another state; **or**

30 **(E) an unexpired placard for a person with children issued**  
 31 **under IC 9-14-6.**

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

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

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

39 SECTION 5. IC 5-16-9-9 IS AMENDED TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) This chapter does not prohibit  
 41 a county, city, or town from adopting and enforcing an ordinance that  
 42 regulates standing or parking of motor vehicles in a space reserved for:

43 (1) a person with a physical disability under section 2 of this  
 44 chapter, IC 9-21-1-3, or IC 9-21-18-4; **or**

45 **(2) a person with children.**

46 (b) An ordinance described in subsection (a) may not conflict with

1 this chapter.

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

6 (1) A parking permit for a person with a physical disability issued  
7 under IC 9-14-5.

8 (2) A disabled veteran's registration plate issued under  
9 IC 9-18-18.

10 (3) A registration plate or decal for a person with a physical  
11 disability issued under IC 9-18-22.

12 **(4) A placard for a person with children issued under**  
13 **IC 9-14-6.**

14 (d) An ordinance described in subsection (a) must permit a motor  
15 vehicle displaying an unexpired parking permit for a person with a  
16 physical disability, an unexpired disabled veteran's registration plate,  
17 or an unexpired registration plate or decal for a person with a physical  
18 disability issued under the laws of another state to stand or park in a  
19 space reserved for a person with a physical disability but only when the  
20 vehicle is being used to transport a person with a physical disability.".

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

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

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

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

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

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

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

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

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

37 (2) **An expiration date.**

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

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

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

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

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

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

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

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Representative Stutzman