

HOUSE BILL No. 1136

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-16-9; IC 9-13-2-102.3; IC 9-14-5-7; IC 9-18-19; IC 35-51-9-1.

Synopsis: Purple Heart license plate for recipient with a disability. Requires the bureau of motor vehicles to issue a Purple Heart license plate for a person with a disability to a Purple Heart recipient with a disability. Makes corresponding changes. Makes a technical correction.

Effective: July 1, 2014.

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January 9, 2014, read first time and referred to Committee on Roads and Transportation.



Second Regular Session 118th General Assembly (2014)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1136

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 5-16-9-1, AS AMENDED BY P.L.2-2007,
2 SECTION 104, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section
4 apply throughout this chapter.
5 (b) "Accessible parking space" refers to a parking space that
6 conforms with the standards of section 4 of this chapter.
7 (c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.
8 (d) "Parking facility" means any facility or combination of facilities
9 for motor vehicle parking which contains parking spaces for the public.
10 (e) "Person with a physical disability" means a person who has been
11 issued a placard under IC 9-14-5, **a person who has been issued a**
12 **Purple Heart plate for a person with a disability under**
13 **IC 9-18-19-2.3**, or a person with a disability registration plate for a
14 motor vehicle by the bureau of motor vehicles under IC 9-18-22.
15 (f) "Public agency" means:
16 (1) the state of Indiana, its departments, agencies, boards,



1 commissions, and institutions, including state educational
2 institutions; and

3 (2) a county, city, town, township, school or conservancy district,
4 other governmental unit or district, or any department, board, or
5 other subdivision of the unit of government.

6 SECTION 2. IC 5-16-9-5, AS AMENDED BY P.L.50-2013,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2014]: Sec. 5. (a) Any person who parks a motor vehicle
9 which does not have displayed a placard of a person with a physical
10 disability or a disabled veteran, issued under IC 9-14-5 or under the
11 laws of another state, or a registration plate of a person with a physical
12 disability or a disabled veteran, issued under IC 9-18-18,
13 **IC 9-18-19-2.3**, IC 9-18-22, or under the laws of another state, in a
14 parking space reserved under this chapter for a vehicle of a person with
15 a physical disability commits a Class C infraction.

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

20 (c) Any person who displays for use in parking in a parking space
21 reserved for a person with a physical disability a placard or a special
22 license plate that was not issued under IC 9-14-5, IC 9-18-18,
23 **IC 9-18-19-2.3**, IC 9-18-22, or under the laws of another state commits
24 a Class C misdemeanor.

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

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

34 SECTION 3. IC 5-16-9-8, AS AMENDED BY P.L.50-2013,
35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2014]: Sec. 8. (a) As used in this section, "owner" means a
37 person in whose name a motor vehicle is registered under:

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

41 (b) As used in this section, "lessee" means a person who has care,
42 custody, or control of a motor vehicle under a written agreement for the



1 rental or lease of the motor vehicle for less than sixty-one (61) days.
 2 The term does not include an employee of the owner of the motor
 3 vehicle.

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

6 (1) is located in a parking space in a parking facility that is
 7 marked under section 2 of this chapter as a parking space reserved
 8 for a person with a physical disability; and

9 (2) does not display:

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

12 (B) an unexpired disabled veteran's registration plate issued
 13 under IC 9-18-18 **or an unexpired Purple Heart license**
 14 **plate for a person with a disability under IC 9-18-19-2.3;**

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

17 (D) an unexpired parking permit for a person with a physical
 18 disability, an unexpired disabled veteran's registration plate, or
 19 an unexpired registration plate or decal for a person with a
 20 physical disability issued under the laws of another state.

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

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

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

28 SECTION 4. IC 5-16-9-9 IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: Sec. 9. (a) This chapter does not prohibit
 30 a county, city, or town from adopting and enforcing an ordinance that
 31 regulates standing or parking of motor vehicles in a space reserved for
 32 a person with a physical disability under section 2 of this chapter,
 33 IC 9-21-1-3, or IC 9-21-18-4.

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

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

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

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



1 **or a Purple Heart license plate for a person with a disability**
 2 **under IC 9-18-19-2.3.**

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

5 (d) An ordinance described in subsection (a) must permit a motor
 6 vehicle displaying an unexpired parking permit for a person with a
 7 physical disability, an unexpired disabled veteran's registration plate,
 8 or an unexpired registration plate or decal for a person with a physical
 9 disability issued under the laws of another state to stand or park in a
 10 space reserved for a person with a physical disability but only when the
 11 vehicle is being used to transport a person with a physical disability.

12 SECTION 5. IC 9-13-2-102.3, AS ADDED BY P.L.6-2009,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 102.3. "Metered space", for purposes of
 15 IC 9-18-17, ~~and~~ IC 9-18-18, **and IC 9-18-19**, means a public parking
 16 space at which parking is regulated by:

17 (1) a parking meter; or

18 (2) an official traffic control device that imposes a maximum
 19 parking time for the public parking space.

20 The term does not include parking spaces or areas regulated under
 21 IC 9-21-18.

22 SECTION 6. IC 9-14-5-7, AS AMENDED BY P.L.262-2013,
 23 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2014]: Sec. 7. A placard issued under this chapter must be
 25 displayed on the dashboard or rear view mirror of a motor vehicle that
 26 is parked in a parking space reserved for persons with physical
 27 disabilities under this chapter unless the motor vehicle bears a license
 28 plate for a person with a disability issued under IC 9-18-22, a disabled
 29 Hoosier veteran's license plate issued under IC 9-18-18, **a Purple**
 30 **Heart license plate for a person with a disability under**
 31 **IC 9-18-19-2.3**, or an equivalent parking permit issued under the laws
 32 of another state. If a placard is lost, stolen, damaged, or destroyed, the
 33 bureau shall provide a duplicate placard upon the application of the
 34 person who was issued the placard.

35 SECTION 7. IC 9-18-19-1, AS AMENDED BY P.L.262-2013,
 36 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 1. (a) The bureau shall design ~~a~~ license ~~plate~~
 38 **plates under this chapter** that will designate a vehicle as being
 39 registered to a person who has received a Purple Heart decoration that
 40 is awarded to a person who suffers an injury while serving as a member
 41 of the armed forces of the United States.

42 (b) The bureau may issue ~~a~~ license ~~plate~~ **plates** designed under



1 subsection (a) **this chapter** to the following types of vehicles:

- 2 (1) A passenger motor vehicle.
 3 (2) A truck with a declared gross weight of at least seven
 4 thousand (7,000) pounds but less than eleven thousand (11,000)
 5 pounds.
 6 (3) A recreational vehicle.
 7 (4) A motorcycle.

8 SECTION 8. IC 9-18-19-2 IS AMENDED TO READ AS
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. A resident of Indiana
 10 who is a recipient of a Purple Heart decoration may apply for and
 11 receive one (1) or more Purple Heart plates **issued under this chapter**.

12 SECTION 9. IC 9-18-19-2.3 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2014]: Sec. 2.3. (a) **This section applies after December 31, 2014.**

15 (b) **Effective January 1, 2015, in addition to a Purple Heart**
 16 **license plate designed and issued under sections 1 and 3 of this**
 17 **chapter, the bureau shall issue a Purple Heart license plate for a**
 18 **person with a disability to a Purple Heart recipient with a**
 19 **disability. The plate designates the vehicle as a vehicle that is**
 20 **regularly used to transport a person who:**

- 21 (1) has been issued a permanent parking placard under
 22 IC 9-14-5;
 23 (2) has a permanent physical disability that requires the use
 24 of a wheelchair, walker, braces, or crutches, as certified by a
 25 health care provider listed in subdivision (4);
 26 (3) has permanently lost the use of one (1) or both legs;
 27 (4) is certified to be severely and permanently restricted in
 28 mobility due to a pulmonary or cardiovascular disability, an
 29 arthritic condition, or an orthopedic or neurological
 30 impairment by:

- 31 (A) a physician having a valid, unrestricted license to
 32 practice medicine;
 33 (B) a physician who is a commissioned medical officer of
 34 the armed forces of the United States or of the United
 35 States Public Health Service;
 36 (C) a physician who is a medical officer of the United
 37 States Department of Veterans Affairs;
 38 (D) a chiropractor with a valid, unrestricted license under
 39 IC 25-10-1;
 40 (E) a podiatrist with a valid, unrestricted license under
 41 IC 25-29-1; or
 42 (F) an advanced practice nurse with a valid, unrestricted



1 **license under IC 25-23; or**
 2 **(5) is certified by an optometrist or ophthalmologist licensed**
 3 **to practice in Indiana to be:**

4 **(A) blind (as defined in IC 12-7-2-21(2)); or**

5 **(B) visually impaired (as defined in IC 12-7-2-198).**

6 **It is not necessary that the disability be a service connected**
 7 **disability for the Purple Heart recipient to be issued a Purple**
 8 **Heart license plate under this section.**

9 SECTION 10. IC 9-18-19-2.5, AS ADDED BY P.L.262-2013,
 10 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2014]: Sec. 2.5. (a) An individual who qualifies for a Purple
 12 Heart license plate under ~~section 1~~ of this chapter may not be charged
 13 the following:

14 (1) A fee for parking the individual's motor vehicle displaying the
 15 license plate issued under section 1 of this chapter in a metered
 16 space.

17 (2) A penalty for parking the individual's motor vehicle displaying
 18 the license plate issued under section 1 of this chapter in a
 19 metered space for longer than the time permitted.

20 (b) This section does not authorize parking of a motor vehicle in
 21 places where parking is not allowed at any time or at a specified time
 22 if the prohibition is posted and authorized by ordinances in cities and
 23 towns or by order of the Indiana department of transportation.

24 (c) A person other than the owner of the motor vehicle displaying
 25 a Purple Heart license plate authorized by this chapter is not entitled to
 26 the parking privileges authorized by this section.

27 SECTION 11. IC 9-18-19-2.7 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2014]: **Sec. 2.7. The Purple Heart license**
 30 **plate for a person with a disability issued under section 2.3 of this**
 31 **chapter must bear:**

32 **(1) the official international wheelchair symbol;**

33 **(2) a reasonable facsimile of the international wheelchair**
 34 **symbol; or**

35 **(3) another symbol selected by the bureau;**

36 **to designate the vehicle as being used to transport a person with a**
 37 **disability.**

38 SECTION 12. IC 9-18-19-3 IS AMENDED TO READ AS
 39 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) A Purple Heart
 40 license plate must be displayed on a vehicle registered by a person
 41 described in section 2 of this chapter.

42 **(b) The motor vehicle bearing the Purple Heart license plate for**



1 **a person with a disability may be used only by the Purple Heart**
 2 **recipient with a disability who has registered the motor vehicle for**
 3 **private and personal purposes.**

4 SECTION 13. IC 9-18-19-4 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2014]: **Sec. 4. (a) A person who knowingly and falsely professes**
 7 **to have the qualifications to obtain a license plate under section 2.3**
 8 **of this chapter commits a Class C misdemeanor.**

9 **(b) A person who owns a motor vehicle bearing a license plate**
 10 **issued under section 2.3 of this chapter when the person knows that**
 11 **the person is not entitled to a license plate issued under section 2.3**
 12 **of this chapter commits a Class C misdemeanor.**

13 SECTION 14. IC 35-51-9-1, AS AMENDED BY P.L.262-2013,
 14 SECTION 143, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define
 16 crimes in IC 9:

17 IC 9-14-3.5-15 (Concerning bureau of motor vehicles).

18 IC 9-14-5-9 (Concerning parking placards for persons with
 19 physical disabilities).

20 IC 9-17-2-15 (Concerning certificates of title).

21 IC 9-17-2-16 (Concerning certificates of title).

22 IC 9-17-3-3.2 (Concerning certificates of title).

23 IC 9-17-3-7 (Concerning certificates of title).

24 IC 9-17-4-14 (Concerning special identification numbers).

25 IC 9-17-4-15 (Concerning special identification numbers).

26 IC 9-17-4-16 (Concerning special identification numbers).

27 IC 9-17-4-17 (Concerning identification numbers).

28 IC 9-17-4-18 (Concerning identification numbers).

29 IC 9-18-2-42 (Concerning motor vehicle registration and license
 30 plates).

31 IC 9-18-2-44 (Concerning motor vehicle registration and license
 32 plates).

33 IC 9-18-2-45 (Concerning motor vehicle registration and license
 34 plates).

35 IC 9-18-2.5-16 (Concerning off-road vehicles and snowmobiles).

36 IC 9-18-4-8 (Concerning motor vehicle registration and license
 37 plates).

38 IC 9-18-13-9 (Concerning motor vehicle registration and license
 39 plates).

40 **IC 9-18-19-4 (Concerning vehicle registration and license**
 41 **plates).**

42 IC 9-18-22-6 (Concerning motor vehicle registration and license



- 1 plates).
- 2 IC 9-19-9-5 (Concerning motor vehicle equipment).
- 3 IC 9-19-10.5-4 (Concerning motor vehicle equipment).
- 4 IC 9-19-10.5-5 (Concerning motor vehicle equipment).
- 5 IC 9-20-18-4 (Concerning motor vehicle size and weight
- 6 regulation).
- 7 IC 9-21-5-13 (Concerning traffic regulation).
- 8 IC 9-21-6-3 (Concerning traffic regulation).
- 9 IC 9-21-8-50 (Concerning traffic regulation).
- 10 IC 9-21-8-52 (Concerning traffic regulation).
- 11 IC 9-21-8-55 (Concerning traffic regulation).
- 12 IC 9-21-8-56 (Concerning traffic regulation).
- 13 IC 9-21-8-58 (Concerning traffic regulation).
- 14 IC 9-21-12-9 (Concerning traffic regulation).
- 15 IC 9-21-12-11 (Concerning traffic regulation).
- 16 IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap
- 17 vehicles).
- 18 IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap
- 19 vehicles).
- 20 IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap
- 21 vehicles).
- 22 IC 9-22-5-18.2 (Concerning buying a motor vehicle without a
- 23 certificate of title).
- 24 IC 9-22-5-19 (Concerning scrapping and dismantling vehicles).
- 25 IC 9-22-6-3 (Concerning mechanic's liens for vehicles).
- 26 IC 9-24-1-8 (Concerning driver's licenses).
- 27 IC 9-24-6-16 (Concerning driver's licenses).
- 28 IC 9-24-6-17 (Concerning driver's licenses).
- 29 IC 9-24-11-8 (Concerning driver's licenses).
- 30 IC 9-24-15-11 (Concerning driver's licenses).
- 31 IC 9-24-16-12 (Concerning driver's licenses).
- 32 IC 9-24-16-13 (Concerning driver's licenses).
- 33 IC 9-24-18-1 (Concerning driver's licenses).
- 34 IC 9-24-18-2 (Concerning driver's licenses).
- 35 IC 9-24-18-7 (Concerning driver's licenses).
- 36 IC 9-24-19-2 (Concerning driver's licenses).
- 37 IC 9-24-19-3 (Concerning driver's licenses).
- 38 IC 9-24-19-4 (Concerning driver's licenses).
- 39 IC 9-25-6-18 (Concerning financial responsibility).
- 40 IC 9-25-8-2 (Concerning financial responsibility).
- 41 IC 9-26-1-8 (Concerning accidents and accident reports).
- 42 IC 9-26-1-9 (Concerning accidents and accident reports).



- 1 IC 9-26-6-4 (Concerning accidents and accident reports).
- 2 IC 9-30-4-7 (Concerning licenses and registrations).
- 3 IC 9-30-4-8 (Concerning licenses and registrations).
- 4 IC 9-30-4-13 (Concerning licenses and registrations).
- 5 IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
- 6 IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
- 7 IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
- 8 IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
- 9 IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
- 10 IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
- 11 IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
- 12 IC 9-30-6-8.7 (Concerning implied consent).
- 13 IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
- 14 IC 9-30-10-16 (Concerning habitual violator of traffic laws).
- 15 IC 9-30-10-17 (Concerning habitual violator of traffic laws).
- 16 IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
- 17 IC 9-31-2-26 (Concerning watercraft titling and registration).
- 18 IC 9-31-2-27 (Concerning watercraft titling and registration).
- 19 IC 9-31-2-28 (Concerning watercraft titling and registration).
- 20 IC 9-32-17-2 (Concerning certificates of title).
- 21 IC 9-32-17-3 (Concerning dealer license plates).
- 22 IC 9-32-17-4 (Concerning licensing of vehicle salvaging).
- 23 IC 9-32-17-5 (Concerning regulation of vehicle merchandising).
- 24 IC 9-32-17-6 (Concerning unfair practices by dealers).

