

HOUSE BILL No. 1201

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-16-9; IC 9-13-2-102.3; IC 9-18.5; IC 35-52-9-8.2.

Synopsis: Distinguished Flying Cross license plates. Establishes the Distinguished Flying Cross license plate.

Effective: July 1, 2018.

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January 9, 2018, read first time and referred to Committee on Roads and Transportation.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1201

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.198-2016,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 1. (a) The definitions in this section apply
4 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 one (1) of the following:
12 (1) A placard under IC 9-14-5 (before its repeal).
13 (2) A modified Purple Heart plate under IC 9-18-19-1(b) (before
14 its expiration) or IC 9-18.5-6-1(b).
15 (3) A disability registration plate under IC 9-18-22 (before its
16 expiration).
17 (4) A license plate or placard issued under IC 9-18.5-8.



1 **(5) A modified Distinguished Flying Cross plate under**
 2 **IC 9-18.5-35.**

3 (f) "Public agency" means:

4 (1) the state of Indiana, its departments, agencies, boards,
 5 commissions, and institutions, including state educational
 6 institutions; and

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

10 SECTION 2. IC 5-16-9-5, AS AMENDED BY P.L.198-2016,
 11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2018]: Sec. 5. (a) Any person who parks a motor vehicle
 13 which does not have displayed a placard of a person with a physical
 14 disability or a disabled veteran, issued under IC 9-14-5 (before its
 15 repeal), IC 9-18.5-8, or under the laws of another state, or a registration
 16 plate of a person with a physical disability or a disabled veteran, issued
 17 under IC 9-18-18 (before its expiration), IC 9-18-19-1(b) (before its
 18 expiration), IC 9-18-22 (before its expiration), IC 9-18.5-5,
 19 IC 9-18.5-6, IC 9-18.5-8, **IC 9-18.5-35**, or under the laws of another
 20 state, in a parking space reserved under this chapter for a vehicle of a
 21 person with a physical disability commits a Class C infraction.

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

26 (c) Any person who displays for use in parking in a parking space
 27 reserved for a person with a physical disability a placard or a special
 28 license plate that was not issued under IC 9-14-5 (before its repeal),
 29 IC 9-18-18 (before its expiration), IC 9-18-19-1(b) (before its
 30 expiration), IC 9-18-22 (before its expiration), IC 9-18.5-6, ~~or~~
 31 IC 9-18.5-8, **IC 9-18.5-35**, or under the laws of another state commits
 32 a Class C misdemeanor.

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

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

42 SECTION 3. IC 5-16-9-8, AS AMENDED BY P.L.198-2016,



1 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2018]: Sec. 8. (a) As used in this section, "owner" means a
3 person in whose name a motor vehicle is registered under:

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

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

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

- 14 (1) is located in a parking space in a parking facility that is
15 marked under section 2 of this chapter as a parking space reserved
16 for a person with a physical disability; and
17 (2) does not display:

18 (A) an unexpired parking placard for a person with a physical
19 disability issued under IC 9-14-5 (before its repeal) or
20 IC 9-18.5-8;

21 (B) an unexpired disabled veteran's registration plate issued
22 under IC 9-18-18 (before its expiration) or IC 9-18.5-5, ~~or~~ an
23 unexpired modified Purple Heart license plate under
24 IC 9-18-19-1(b) (before its expiration) or IC 9-18.5-6-1(b), **or**
25 **an unexpired modified Distinguished Flying Cross license**
26 **plate under IC 9-18.5-35-1(b);**

27 (C) an unexpired registration plate or decal for a person with
28 a physical disability issued under IC 9-18-22 (before its
29 expiration) or IC 9-18.5-8; or

30 (D) an unexpired parking permit for a person with a physical
31 disability, an unexpired disabled veteran's registration plate, or
32 an unexpired registration plate or decal for a person with a
33 physical disability issued under the laws of another state.

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

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

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

41 SECTION 4. IC 5-16-9-9, AS AMENDED BY P.L.198-2016,
42 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 9. (a) This chapter does not prohibit a county, city,
 2 or town from adopting and enforcing an ordinance that regulates
 3 standing or parking of motor vehicles in a space reserved for a person
 4 with a physical disability under section 2 of this chapter, IC 9-21-1-3,
 5 or IC 9-21-18-4.

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

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

12 (1) A parking placard for a person with a physical disability
 13 issued under IC 9-14-5 (before its repeal) or IC 9-18.5-8.

14 (2) A disabled veteran's registration plate issued under IC 9-18-18
 15 (before its expiration) or IC 9-18.5-5, ~~or~~ a modified Purple Heart
 16 license plate under IC 9-18-19-1(b) (before its expiration) or
 17 IC 9-18.5-6-1(b), **or a modified Distinguished Flying Cross**
 18 **license plate under IC 9-18.5-35-1(b).**

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

22 (d) An ordinance described in subsection (a) must permit a motor
 23 vehicle displaying:

24 (1) an unexpired parking permit for a person with a physical
 25 disability;

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

27 (3) an unexpired registration plate or decal for a person with a
 28 physical disability;

29 issued under the laws of another state to stand or park in a space
 30 reserved for a person with a physical disability but only when the
 31 vehicle is being used to transport a person with a physical disability.

32 SECTION 5. IC 9-13-2-102.3, AS AMENDED BY P.L.257-2017,
 33 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2018]: Sec. 102.3. "Metered space", for purposes of
 35 IC 9-18.5-4, IC 9-18.5-5, ~~and~~ IC 9-18.5-6, **and IC 9-18.5-35**, means a
 36 public parking space at which parking is regulated by:

37 (1) a parking meter; or

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

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

42 SECTION 6. IC 9-18.5-2-1, AS AMENDED BY P.L.256-2017,



1 SECTION 133, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) A person may apply to the
 3 bureau for a personalized license plate to display on the person's
 4 vehicle.

5 (b) The following license plates may be designed as a personalized
 6 license plate under this chapter:

- 7 (1) IC 9-18.5-4 (prisoner of war license plates).
- 8 (2) IC 9-18.5-5 (disabled Hoosier veteran license plates).
- 9 (3) IC 9-18.5-6 (Purple Heart license plates).
- 10 (4) IC 9-18.5-7 (National Guard license plates).
- 11 (5) IC 9-18.5-8 (license plates for persons with disabilities).
- 12 (6) IC 9-18.5-9 (amateur radio operator license plates).
- 13 (7) IC 9-18.5-10 (civic event license plates).
- 14 (8) IC 9-18.5-11 (In God We Trust license plates).
- 15 (9) IC 9-18.5-12 (special group recognition license plates).
- 16 (10) IC 9-18.5-13 (environmental license plates).
- 17 (11) IC 9-18.5-14 (kids first trust license plates).
- 18 (12) IC 9-18.5-15 (education license plates).
- 19 (13) IC 9-18.5-16 (Indiana FFA trust license plates).
- 20 (14) IC 9-18.5-17 (Indiana firefighter license plates).
- 21 (15) IC 9-18.5-18 (Indiana boy scouts trust license plates).
- 22 (16) IC 9-18.5-19 (D.A.R.E. Indiana trust license plates).
- 23 (17) IC 9-18.5-20 (Indiana arts trust license plates).
- 24 (18) IC 9-18.5-21 (Indiana health trust license plates).
- 25 (19) IC 9-18.5-22 (Indiana Native American trust license plates).
- 26 (20) IC 9-18.5-24 (Pearl Harbor survivor license plates).
- 27 (21) IC 9-18.5-25 (Indiana state educational institution trust
 28 license plates).
- 29 (22) IC 9-18.5-26 (Lewis and Clark expedition license plates).
- 30 (23) IC 9-18.5-27 (Riley Children's Foundation license plates).
- 31 (24) IC 9-18.5-28 (National Football League franchised
 32 professional football team license plates).
- 33 (25) IC 9-18.5-29 (Hoosier veteran license plates).
- 34 (26) IC 9-18.5-30 (support our troops license plates).
- 35 (27) IC 9-18.5-31 (Abraham Lincoln's boyhood home license
 36 plates).
- 37 (28) IC 9-18.5-32 (Earlham College Trust license plates).
- 38 (29) IC 9-18.5-33 (Indiana Gold Star family member license
 39 plates).
- 40 **(30) IC 9-18.5-35 (Distinguished Flying Cross license plates).**
- 41 ~~(30)~~ **(31)** A license plate issued under IC 9-18 (before its
 42 expiration) or IC 9-18.1.



1 SECTION 7. IC 9-18.5-12-2, AS AMENDED BY P.L.256-2017,
 2 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2018]: Sec. 2. This chapter does not apply to
 4 the following:

- 5 (1) Historic vehicle license plates (IC 9-18.5-34).
- 6 (2) Personalized license plates (IC 9-18.5-2).
- 7 (3) Disabled Hoosier veteran license plates (IC 9-18.5-5).
- 8 (4) Purple Heart license plates (IC 9-18.5-6).
- 9 (5) National Guard license plates (IC 9-18.5-7).
- 10 (6) Person with a disability license plates (IC 9-18.5-8).
- 11 (7) Amateur radio operator license plates (IC 9-18.5-9).
- 12 (8) In God We Trust license plates (IC 9-18.5-11).
- 13 (9) Pearl Harbor survivor license plates (IC 9-18.5-24).
- 14 (10) Lewis and Clark expedition license plates (IC 9-18.5-26).
- 15 (11) Hoosier veteran license plates (IC 9-18.5-29).
- 16 (12) Support our troops license plates (IC 9-18.5-30).
- 17 (13) Abraham Lincoln's boyhood home license plates
 18 (IC 9-18.5-31).
- 19 (14) Indiana Gold Star family member license plates
 20 (IC 9-18.5-33).

21 **(15) Distinguished Flying Cross license plates (IC 9-18.5-35).**

22 SECTION 8. IC 9-18.5-35 IS ADDED TO THE INDIANA CODE
 23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2018]:

25 **Chapter 35. Distinguished Flying Cross License Plates**

26 **Sec. 1. (a) The bureau shall design a license plate that will**
 27 **designate a vehicle as being registered to an individual who has**
 28 **been awarded a Distinguished Flying Cross decoration.**

29 **(b) Upon proper application, the bureau may modify a license**
 30 **plate designed under subsection (a) to designate a vehicle as being**
 31 **registered to an individual who is:**

- 32 **(1) described in subsection (a); and**
- 33 **(2) eligible to be issued;**
 - 34 **(A) a placard under 9-18.5-8; or**
 - 35 **(B) a person with a disability registration plate under**
 36 **IC 9-18.5-8.**

37 **(c) An individual who:**

- 38 **(1) knowingly; or**
- 39 **(2) intentionally;**

40 **falsely professes to have the qualifications to obtain a license plate**
 41 **under subsection (b) commits a Class C misdemeanor.**

42 **(d) An individual who owns a vehicle bearing a license plate**



1 issued under subsection (b) and knows that the individual is not
 2 entitled to a license plate issued under subsection (b) commits a
 3 Class C misdemeanor.

4 **Sec. 2. An Indiana resident who is a recipient of a Distinguished Flying**
 5 **Flying Cross decoration may apply for and receive one (1) or more**
 6 **Distinguished Flying Cross license plates under this chapter upon**
 7 **doing the following:**

8 (1) **Completing an application for a Distinguished Flying**
 9 **Cross license plate.**

10 (2) **Presenting a DD 214 or DD 215 record to the bureau.**

11 **Sec. 3. (a) An individual who qualifies for a Distinguished Flying**
 12 **Cross license plate under section 1 of this chapter may not be**
 13 **charged the following:**

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

17 (2) **A penalty for parking the individual's 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 vehicle in places**
 21 **where parking is not allowed at any time or at a specified time if**
 22 **the prohibition is posted and authorized by ordinances in cities and**
 23 **towns or by order of the Indiana department of transportation.**

24 (c) **An individual other than the owner of the vehicle displaying**
 25 **a Distinguished Flying Cross license plate authorized by this**
 26 **chapter is not entitled to the parking privileges authorized by this**
 27 **section.**

28 **Sec. 4. A Distinguished Flying Cross license plate must be**
 29 **displayed on a vehicle registered by an individual described in**
 30 **section 2 of this chapter.**

31 **Sec. 5. There is no additional fee for a Distinguished Flying**
 32 **Cross license plate.**

33 SECTION 9. IC 35-52-9-8.2 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2018]: **Sec. 8.2. IC 9-18.5-35-1 defines crimes concerning vehicle**
 36 **registration and license plates.**

