IC 5-16-9

Chapter 9. Parking Facilities for Persons With Physical Disabilities

IC 5-16-9-1 Version a

Definitions

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Accessible parking space" refers to a parking space that conforms with the standards of section 4 of this chapter.

(c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(d) "Parking facility" means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

(e) "Person with a physical disability" means a person who has been issued a placard under IC 9-14-5 or a person with a disability registration plate for a motor vehicle by the bureau of motor vehicles under IC 9-18-22.

(f) "Public agency" means:

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

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

As added by Acts 1979, P.L.44, SEC.1. Amended by P.L.58-1983, SEC.1; P.L.37-1984, SEC.1; P.L.71-1987, SEC.1; P.L.2-1991, SEC.30; P.L.23-1993, SEC.11; P.L.2-1995, SEC.16; P.L.42-1996, SEC.1; P.L.2-2007, SEC.104.

IC 5-16-9-1 Version b

Definitions

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Accessible parking space" refers to a parking space that conforms with the standards of section 4 of this chapter.

(c) "Motor vehicle" has the meaning set forth in IC 9-13-2-105.

(d) "Parking facility" means any facility or combination of facilities for motor vehicle parking which contains parking spaces for the public.

(e) "Person with a physical disability" means a person who has been issued a placard under IC 9-14-5, a person who has been issued a modified Purple Heart plate under IC 9-18-19-1(b), or a person with a disability registration plate for a motor vehicle by the bureau of motor vehicles under IC 9-18-22.

(f) "Public agency" means:

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

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

As added by Acts 1979, P.L.44, SEC.1. Amended by P.L.58-1983, SEC.1; P.L.37-1984, SEC.1; P.L.71-1987, SEC.1; P.L.2-1991, SEC.30; P.L.23-1993, SEC.11; P.L.2-1995, SEC.16; P.L.42-1996, SEC.1; P.L.2-2007, SEC.104; P.L.216-2014, SEC.1.

IC 5-16-9-1.5

Application of chapter

Sec. 1.5. This chapter applies to a reserved accessible parking space in a parking facility that is located on property that is privately or publicly owned.

As added by P.L.59-1993, SEC.1. Amended by P.L.42-1996, SEC.2.

IC 5-16-9-1.6

Compliance with federal provisions

Sec. 1.6. Notwithstanding any requirement of this chapter, a person who complies with:

(1) Title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181); and

(2) the Americans with Disabilities Act Guidelines adopted by the United States Department of Justice;

complies with this chapter.

As added by P.L.42-1996, SEC.3.

IC 5-16-9-2

Spaces reserved in parking facilities; requirements

Sec. 2. (a) Except as provided in subsection (d), each parking facility that provides parking spaces for self-parking by employees or visitors must have accessible parking spaces reserved according to the following schedule:

TOTAL NUMBER OF PARKING SPACES IN FACILITY	MINIMUM NUMBER OF RESERVED SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 spaces over 1,000

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

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

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

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

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

(1) An outpatient facility or unit: Ten percent (10%) of the total number of parking spaces serving the facility or unit must be accessible parking spaces.

(2) A facility or unit that specializes in treatment or services for persons with mobility impairments: Twenty percent (20%) of the total number of parking spaces serving the facility or unit must be accessible parking spaces.

(e) The reserved space or spaces under this chapter must be reserved by posting immediately adjacent to and visible from the space or spaces a vertical sign measuring at least forty-eight (48) inches from the base of the sign, located in a manner that will not be obscured by a vehicle parked in the space, and bearing the following:

(1) The international symbol of accessibility.

(2) Letters and numbers that have a width to height ratio between 3:5 and 1:1 and a stroke width to height ratio between 1:5 and 1:10.

(3) Characters and numbers that are sized according to the distance from which the characters and numbers are read, with the minimum height measured by an uppercase "X". Lowercase characters may be used.

(f) The characters and background of a sign required under subsection (e) must be eggshell, matte, or another nonglare finish. Characters and symbols used on a sign must contrast with the background color of the sign.

As added by Acts 1979, P.L.44, SEC.1. Amended by P.L.58-1983, SEC.2; P.L.37-1984, SEC.2; P.L.55-1985, SEC.1; P.L.72-1989, SEC.1; P.L.23-1993, SEC.12; P.L.42-1996, SEC.4.

IC 5-16-9-3

Street parking spaces reserved adjacent to public agency or retail shopping mall constructed with economic development income tax derived revenue

Sec. 3. (a) If a public agency has no parking facility under its jurisdiction or control available to private persons who desire to

conduct business with the public agency, the public agency shall direct the local authority having jurisdiction over the portion of the streets which are adjacent to the facilities of the public agency to reserve parking spaces for the use of persons with physical disabilities.

(b) If a retail shopping mall is constructed in whole or in part with revenue derived from a county economic development income tax imposed under IC 6-3.5-7, the local authority having jurisdiction over the portion of the streets adjacent to the retail shopping mall shall reserve parking spaces for the use of persons with physical disabilities.

As added by Acts 1979, P.L.44, SEC.1. Amended by P.L.380-1987(ss), SEC.4; P.L.23-1993, SEC.13.

IC 5-16-9-4

Specifications of parking spaces and access facilities

Sec. 4. (a) Except as provided in subsection (b), the size and location of parking spaces required under this chapter must conform to the following standards:

(1) An accessible parking space must be at least ninety-six (96) inches wide.

(2) An access aisle adjacent to an accessible parking space must be at least sixty (60) inches wide and may not be restricted by a built-up curb ramp, planters, curbs, wheel stops, or any other obstructions.

(3) Two (2) adjacent accessible parking spaces may share a common access aisle.

(4) An access aisle:

(A) must be part of an accessible route to the building or facility; and

(B) must either merge with the accessible route or have a curb ramp to the accessible route that complies with the rules governing curb ramps.

(5) An accessible parking space and an access aisle must have a surface slope of not more than 1:50 (two percent (2%)) in all directions.

(6) An accessible parking space and an access aisle must be designated with blue lines.

(7) An accessible parking space and at least one (1) vehicle access route to the accessible parking space must have a minimum vertical clearance of at least ninety-eight (98) inches.

(b) A parking facility must designate at least one (1) accessible parking space of every eight (8) accessible parking spaces as a van accessible parking space. A van accessible parking space must have an access aisle at least ninety-six (96) inches wide. Notwithstanding section 2(c) of this chapter, a parking facility may group all van accessible parking spaces in a single location.

(c) Notwithstanding subsection (b), a parking facility that:

(1) is in existence on June 30, 1996; and

(2) conforms to the specifications for the size and location of

parking spaces under this section as the specifications were in effect on June 30, 1996;

is not required to conform with subsection (b) until the first time the parking facility is resurfaced or restriped after June 30, 1996.

As added by Acts 1979, P.L.44, SEC.1. Amended by P.L.245-1987, SEC.6; P.L.59-1993, SEC.2; P.L.42-1996, SEC.5.

IC 5-16-9-5 Version a

Violations; Class C infraction and Class C misdemeanor

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

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 one hundred dollars ($100) must be imposed for an infraction committed in violation of this section.

As added by Acts 1979, P.L.44, SEC.1. Amended by P.L.58-1983, SEC.3; P.L.37-1984, SEC.3; P.L.55-1985, SEC.2; P.L.71-1987, SEC.2; P.L.72-1989, SEC.2; P.L.2-1991, SEC.31; P.L.23-1993, SEC.14; P.L.2-1995, SEC.17; P.L.43-1996, SEC.1; P.L.1-1998, SEC.72; P.L.50-2013, SEC.1.

IC 5-16-9-5 Version b

Violations; Class C infraction and Class C misdemeanor

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

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 9-18-19-1(b), 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 9-18-19-1(b), 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 one hundred dollars ($100) must be imposed for an infraction committed in violation of this section.

As added by Acts 1979, P.L.44, SEC.1. Amended by P.L.58-1983, SEC.3; P.L.37-1984, SEC.3; P.L.55-1985, SEC.2; P.L.71-1987, SEC.2; P.L.72-1989, SEC.2; P.L.2-1991, SEC.31; P.L.23-1993, SEC.14; P.L.2-1995, SEC.17; P.L.43-1996, SEC.1; P.L.1-1998, SEC.72; P.L.50-2013, SEC.1; P.L.216-2014, SEC.2.

IC 5-16-9-7
Repealed

(Repealed by P.L.41-1987, SEC.22.)

IC 5-16-9-8 Version a
Owners or lessees of motor vehicles; violations; Class C infraction; defenses

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

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.

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

As added by P.L.71-1987, SEC.4. Amended by P.L.2-1991, SEC.32; P.L.23-1993, SEC.15; P.L.2-1995, SEC.18; P.L.43-1996, SEC.2; P.L.1-1998, SEC.73; P.L.50-2013, SEC.2.

IC 5-16-9-8 Version b

Owners or lessees of motor vehicles; violations; Class C infraction; defenses

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

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 or an unexpired modified Purple Heart

license plate under IC 9-18-19-1(b);

(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.

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

As added by P.L.71-1987, SEC.4. Amended by P.L.2-1991, SEC.32; P.L.23-1993, SEC.15; P.L.2-1995, SEC.18; P.L.43-1996, SEC.2; P.L.1-1998, SEC.73; P.L.50-2013, SEC.2; P.L.216-2014, SEC.3.

IC 5-16-9-9 Version a

Ordinances of counties, cities, or towns

Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.

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

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

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

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

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

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

(d) An ordinance described in subsection (a) must permit a motor vehicle displaying 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 to stand or park in a space reserved for a person with a physical disability but only when the vehicle is being used to transport a person with a physical disability.

As added by P.L.71-1987, SEC.5. Amended by P.L.5-1988, SEC.40; P.L.72-1989, SEC.3; P.L.2-1991, SEC.33; P.L.22-1991, SEC.3;

P.L.23-1993, SEC.16.

IC 5-16-9-9 Version b
Ordinances of counties, cities, or towns

Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.

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

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

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

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

(2) A disabled veteran's registration plate issued under IC 9-18-18 or a modified Purple Heart license plate under IC 9-18-19-1(b).

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

(d) An ordinance described in subsection (a) must permit a motor vehicle displaying 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 to stand or park in a space reserved for a person with a physical disability but only when the vehicle is being used to transport a person with a physical disability.

As added by P.L.71-1987, SEC.5. Amended by P.L.5-1988, SEC.40; P.L.72-1989, SEC.3; P.L.2-1991, SEC.33; P.L.22-1991, SEC.3; P.L.23-1993, SEC.16; P.L.216-2014, SEC.4.

IC 5-16-9-10
Complaints; summons; forms

Sec. 10. (a) A person enforcing this chapter may issue a complaint and summons for a violation of section 5 or 8 of this chapter or an ordinance described in section 9 of this chapter on a form other than the forms described in IC 9-30-3-6. However, the complaint must comply with the Indiana Rules of Trial Procedure.

(b) A complaint and summons issued under subsection (a) must explain the conditions described in IC 34-28-5-14 under which a court may enter a judgment against the person named in the summons and complaint without requiring the defendant to make a personal appearance before the court.

As added by P.L.71-1987, SEC.6. Amended by P.L.1-1993, SEC.25;

P.L.43-1996, SEC.3; P.L.1-1998, SEC.74.

IC 5-16-9-11

Complaints; summons; volunteers

Sec. 11. (a) A law enforcement agency authorized to enforce:

(1) section 5 or 8 of this chapter; or

(2) an ordinance described in section 9 of this chapter;

may appoint volunteers to issue complaints and summonses for violations of section 5 or 8 of this chapter or an ordinance described in section 9 of this chapter.

(b) A volunteer appointed under this section must:

(1) be at least twenty-one (21) years of age;

(2) complete a course of instruction concerning the enforcement of this chapter that is conducted by the appointing law enforcement agency;

(3) after successfully completing the course of instruction, obtain a certificate from the executive authority of the appointing law enforcement agency; and

(4) satisfy any other qualifications established by the law enforcement agency.

(c) The executive authority of a law enforcement agency that appoints volunteers under this section shall file a copy of each certificate issued under subsection (b)(3) with the prosecuting attorney having jurisdiction over the area served by the law enforcement agency.

(d) A complaint and summons issued by a volunteer appointed under this section has the same force and effect as a complaint and summons issued by a law enforcement officer for the same violation.

(e) A volunteer appointed under this section does not have powers of a law enforcement officer except those powers granted under this section.

(f) The executive authority of a law enforcement authority that appoints a volunteer under this section may, at any time, revoke the certificate issued to the volunteer under subsection (b)(3). If a certificate is revoked under this subsection:

(1) the executive authority shall notify the prosecuting attorney where the certificate was filed under subsection (c) of the revocation; and

(2) the volunteer's powers under this section terminate immediately upon the revocation.

(g) A volunteer may not issue a complaint and summons upon private property unless the law enforcement agency first receives permission from the property owner or the property manager.

(h) A property owner is not liable for any property damage or personal injury resulting from the actions of a volunteer in issuing a complaint and summons.

As added by P.L.48-1997, SEC.1.