

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1488

AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 8-14-10-9, AS AMENDED BY P.L.216-2014, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) The crossroads 2000 fund is established for the purpose of constructing or reconstructing state highways. The crossroads 2000 fund consists of distributions received under ~~IC 9-29~~ **IC 9-18.1, IC 9-18.5, IC 9-24, and IC 9-32**.

(b) The crossroads 2000 fund shall be administered by the department. The treasurer of state shall invest the money in the crossroads 2000 fund not currently needed to meet the obligations of the crossroads 2000 fund in the same manner as other public funds may be invested.

(c) Money in the crossroads 2000 fund at the end of a state fiscal year does not revert to the state general fund.

(d) The department may use the money in the crossroads 2000 fund only to pay the following costs:

- (1) The cost of construction or reconstruction of a state highway.
- (2) The cost of acquisition of all land, rights-of-way, property, rights, easements, and any other legal or equitable interests acquired by the department for the construction or reconstruction of a state highway, including the cost of any relocations incident to the acquisition.
- (3) The cost of demolishing or removing any buildings, structures,

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or improvements on property acquired by the department for the construction or reconstruction of a state highway.

(4) Engineering and legal expenses and the costs of plans, specifications, surveys, estimates, and any necessary feasibility studies.

(5) Payment of rentals and performance of other obligations under contracts or leases securing bonds issued under IC 8-14.5-6.

SECTION 2. IC 9-13-2-8.5, AS ADDED BY P.L.147-2009, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 8.5. "Automotive mobility dealer" means a person that:

(1) engages exclusively in the business of selling, offering to sell, or soliciting or advertising the sale of adapted vehicles **or watercraft**;

(2) possesses adapted vehicles **or watercraft** exclusively for the purpose of resale, either on the automotive mobility dealer's own account or on behalf of another as the primary or incidental business of the automotive mobility dealer; or

(3) engages in the business of:

(A) selling, installing, or servicing;

(B) offering to sell, install, or service; or

(C) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a vehicle **or watercraft** by an individual who is disabled or aged.

The term includes a converter manufacturer (as defined by IC 9-32-2-9.5) that engages in any of the activities set forth in subdivisions (1), (2), and (3).

SECTION 3. IC 9-13-2-42, AS AMENDED BY HEA 1119-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 42. (a) "Dealer" means, except as otherwise provided in this section, a person that:

(1) sells;

(2) offers to sell; or

(3) advertises for sale;

including directly by the Internet or other computer network, at least twelve (12) vehicles within a twelve (12) month period. The term includes a person that sells off-road vehicles, snowmobiles, mini-trucks, or manufactured homes. A dealer must have an established place of business that meets the minimum standards prescribed by the secretary of state under rules adopted under IC 4-22-2.

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(b) The term does not include the following:

- (1) A receiver, trustee, or other person appointed by or acting under the judgment or order of a court.
- (2) A public officer while performing official duties.
- (3) **A person that holds a mechanic's lien on a vehicle under IC 9-22-6, if the person sells the vehicle:**
 - (A) **in accordance with requirements in IC 9-22-6; or**
 - (B) **to an automotive salvage recycler licensed under IC 9-32-9 after the vehicle fails to sell at a public auction conducted in compliance with IC 9-22-6.**
- (4) **A person that holds a lien for towing services under IC 9-22-1, if the person complies with all applicable requirements in IC 9-22-1 and IC 9-22-6.**

(c) "Dealer", for purposes of IC 9-31, means a person that sells, offers to sell, or advertises for sale at least six (6):

- (1) watercraft; or
- (2) trailers:
 - (A) designed and used exclusively for the transportation of watercraft; and
 - (B) sold in general association with the sale of watercraft;

within a twelve (12) month period.

(d) "Dealer", for purposes of IC 9-32, and unless otherwise provided, means:

- (1) an automobile auction;
- (2) an automotive mobility dealer;
- (3) a converter manufacturer;
- (4) a dealer;
- (5) a distributor;
- (6) a manufacturer;
- (7) an automotive salvage recycler;
- (8) a transfer dealer;
- (9) a watercraft dealer; or
- (10) before July 1, 2015, a wholesale dealer.

SECTION 4. IC 9-13-2-42.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 42.3. "Dealer manager", for purposes of IC 9-32, has the meaning set forth in IC 9-32-2-9.7.**

SECTION 5. IC 9-13-2-42.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 42.5. "Dealer owner", for purposes of IC 9-32, has the meaning set forth in IC 9-32-2-9.9.**

SECTION 6. IC 9-13-2-42.7 IS ADDED TO THE INDIANA CODE

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AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 42.7. "Dealer compliance account" refers to the dealer compliance account established by IC 9-32-7-1.**

SECTION 7. IC 9-13-2-50, AS AMENDED BY P.L.92-2013, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 50. (a) "Established place of business" means **premises owned or leased and continuously occupied by a dealer licensed or applying to be licensed under IC 9-32 for the primary purpose of the business activity for which the dealer is licensed or applying to be licensed that:**

(1) **contains a permanent enclosed building or structure owned or leased for the purpose of offering for sale, trading, and selling motor vehicles for the purpose of carrying out the business for which the dealer is licensed or applying to be licensed under IC 9-32; and**

(2) **meets any additional requirements established by IC 9-32 or rules adopted by the secretary under IC 4-22-2.**

(b) The term does not include a residence, tent, temporary stand, or permanent quarters temporarily occupied.

SECTION 8. IC 9-13-2-69.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 69.1. "Fund", for purposes of IC 9-32-18, has the meaning set forth in IC 9-32-18-1.**

SECTION 9. IC 9-13-2-146.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 146.1. "Qualifying claim", for purposes of IC 9-32-18, has the meaning set forth in IC 9-32-18-2.**

SECTION 10. IC 9-13-2-146.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 146.3. "Qualifying individual", for purposes of IC 9-32-18, has the meaning set forth in IC 9-32-18-3.**

SECTION 11. IC 9-22-3-7 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 7. (a) A dealer licensed under IC 9-32 may reassign a certificate of salvage title one (1) time without applying to the bureau for the issuance of a new certificate of salvage title:

(b) A dealer that violates this section commits a Class A infraction:

SECTION 12. IC 9-22-3-7.5 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 7.5: (a) A dealer licensed under IC 9-32 shall secure an affidavit from the person that holds the certificate of title on the date of receiving a title by sale or transfer. The affidavit must state whether the vehicle is a flood damaged vehicle:



(b) The dealer shall file the affidavit secured under subsection (a) with the bureau upon receiving the affidavit and shall retain a copy of the affidavit with the records of the dealer.

(c) Submission of a fraudulent affidavit under subsection (a) will subject the affiant to civil liability for all damages incurred by a dealer subsequent purchaser or transferee of the title, including reasonable attorney's fees and court costs (including fees):

(d) A dealer that knowingly or intentionally fails to comply with subsection (a) or (b) commits a Class B misdemeanor.

(e) A person that knowingly or intentionally submits a fraudulent affidavit under subsection (a) commits a Class A infraction.

SECTION 13. IC 9-22-3-13 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 13: A scrap metal processor or other appropriate facility that purchases or acquires a salvage motor vehicle that has been totally demolished or destroyed as a result of normal processing performed by a recycling facility is not required to apply for and receive a certificate of salvage title for the vehicle. The facility or processor that performed the processing that resulted in the vehicle being demolished or destroyed shall surrender the certificate of title, the certificate of authority, or the certificate of salvage title to the bureau.

SECTION 14. IC 9-22-3-19 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 19: (a) The secretary of state shall prescribe recordkeeping forms to be used by an automotive salvage recycler licensed under IC 9-32 to preserve information about salvage vehicles or major component parts acquired or sold by the business.

(b) The recordkeeping forms required under subsection (a) must contain the following information:

(1) For each new or used vehicle acquired or disposed of or for the major component parts of a new or used vehicle, the following:

(A) A description of the vehicle or major component part, including numbers or other marks identifying the vehicle or major component part.

(B) The date the vehicle or major component part was acquired and disposed of.

(C) The name and address of the person from whom the vehicle or major component part was acquired.

(D) Verification of the purchaser of the vehicle or major component part by driver's license, state identification card, or other reliable means.

(2) For vehicles acquired or disposed of, in addition to the information required by subdivision (1), the following:



- (A) The vehicle's trade name:
- (B) The vehicle's manufacturer:
- (C) The vehicle's type:
- (D) The model year and vehicle identification number:
- (E) A statement of whether any number has been defaced; destroyed; or changed:

(3) For wrecked, dismantled, or rebuilt vehicles, the date the vehicle was dismantled or rebuilt:

(c) Separate records for each vehicle or major component part must be maintained:

(d) The recordkeeping requirements of this section do not apply to hulk crushers or to scrap metal processors when purchasing scrap from a person that is licensed under IC 9-32 and that is required to keep records under this section:

(e) An automotive salvage recycler licensed under IC 9-32 that knowingly or intentionally fails to:

- (1) maintain records regarding salvage vehicles or major component parts acquired or sold by the business; or
- (2) maintain records regarding salvage vehicles or major component parts on forms that comply with subsection (b);

commits a Class A infraction:

SECTION 15. IC 9-22-3-20 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 20: (a) Unless otherwise specified or required, the records required under section 19 of this chapter shall be retained for a period of five (5) years from the date the vehicle or major component part was acquired; in the form prescribed by the secretary of state:

(b) An automotive salvage recycler that knowingly or intentionally fails to comply with subsection (a) commits a Class B misdemeanor:

SECTION 16. IC 9-22-3-21 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 21: (a) The records required under section 19 of this chapter must be available to and produced at the request of a police officer or an authorized agent of the secretary of state under this chapter:

(b) An automotive salvage recycler that fails to make available or produce the records described under section 19 of this chapter for a police officer or an authorized agent of the secretary of the state commits a Class A infraction:

SECTION 17. IC 9-22-3-22 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 22: (a) This section applies to vehicles and their component parts that are in either their current model year or in the immediately preceding six (6) model years when purchased by a recycling facility or automotive salvage rebuilders:



(b) A recycling facility and automotive salvage rebuilder licensed under IC 9-32-9 must complete the recordkeeping forms developed under section 19 of this chapter for the purchase of a salvage motor vehicle or major component part.

(c) A recycling facility or automotive salvage rebuilder that fails to comply with subsection (a) or (b) commits a Class A infraction:

SECTION 18. IC 9-22-3-23 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 23. (a) A record required to be maintained under this chapter is subject to inspection by a police officer during normal business hours. In addition to the inspections authorized under section 24 of this chapter, an inspection under this section may include an examination of the premises of the licensee's established place of business for the purpose of determining the accuracy of the required records:

(b) A recycling facility, automotive salvage rebuilder, or used parts dealer that knowingly or intentionally fails to:

- (1) maintain records as required under this chapter; or
- (2) allow an inspection of a licensee's established place of business for the purpose of determining the accuracy of required records;

commits a Class A infraction:

SECTION 19. IC 9-22-3-24 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 24. (a) The secretary of state, a police officer, or an agent of the secretary of state or a police officer may enter upon the premises of an automotive salvage recycler during normal business hours to inspect a vehicle, major component part, records, certificate of title, and other ownership documents to determine compliance with this chapter:

(b) A person that knowingly or intentionally prevents the secretary of state, a police officer, or agent of the secretary of state from inspecting a vehicle, a major component part, a record, a certificate of title, or another ownership document during normal business hours commits a Class A infraction:

SECTION 20. IC 9-22-3-26 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 26. A court may issue a warrant to search the premises of an automotive salvage rebuilder, an automotive salvage recycler, a recycling facility, or a used parts dealer for any major component parts being possessed, kept, sold, bartered, given away, used, or transported in violation of this chapter:

SECTION 21. IC 9-22-3-27 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 27. A warrant issued under section 26 of this chapter shall be directed to a police officer who has the power of criminal process:



The person to whom the warrant was issued shall serve the warrant and make the return within twenty (20) days after the date of issue.

SECTION 22. IC 9-22-3-28 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 28: The police officer who serves a warrant issued under section 26 of this chapter shall seize any article described in the warrant and any other article the police officer finds during the search that is held in violation of this chapter. The police officer shall hold the articles pending the disposition ordered by the court in which a prosecution may be instituted for a violation of this chapter.

SECTION 23. IC 9-22-3-29 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 29: A major component part seized under this chapter and any other article found on the searched premises and taken under a warrant issued under section 26 of this chapter may not be taken from the custody of the person who served the warrant by a writ of replevin or other process while proceedings are pending.

SECTION 24. IC 9-22-3-35 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 35: The prosecution of a recycling facility, automotive salvage rebuilder, insurance company, or individual suspected of having violated this section may be instituted by the filing of an information or indictment in the same manner as other criminal cases are commenced.

SECTION 25. IC 9-22-5-18.2 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 18.2: (a) An automotive salvage recycler or an agent of an automotive salvage recycler may purchase a vehicle without a certificate of title for the vehicle if:

- (1) the vehicle is at least fifteen (15) model years old;
- (2) the purchase is solely for the purpose of dismantling or wrecking the vehicle for the recovery of scrap metal or the sale of parts; and
- (3) the automotive salvage recycler records all purchase transactions of vehicles as required in subsection (b):

(b) An automotive salvage recycler shall maintain the following information with respect to each vehicle purchase transaction to which the automotive salvage recycler is a party for at least five (5) years following the date of the purchase transaction:

- (1) The name and address of any scrap metal processor or automobile scrapyards;
- (2) The name of the person entering the information;
- (3) The date and time of the purchase transaction;
- (4) A description of the vehicle that is the subject of the purchase transaction, including the make and model of the vehicle, if practicable.



(5) The vehicle identification number of the vehicle; to the extent practicable:

(6) The amount of consideration given for the vehicle:

(7) A written statement signed by the seller or the seller's agent certifying the following:

(A) The seller or the seller's agent has the lawful right to sell and dispose of the vehicle:

(B) The vehicle is not subject to a security interest or lien:

(C) The vehicle will not be titled again and will be dismantled or destroyed:

(8) The name, date of birth, and address of the person from whom the vehicle is being purchased:

(9) A photocopy or electronic scan of one (1) of the following valid and unexpired forms of identification issued to the seller or the seller's agent:

(A) A driver's license:

(B) An identification card issued under IC 9-24-16-1, a photo exempt identification card issued under IC 9-24-16.5, or a similar card issued under the laws of another state or the federal government:

(C) A government issued document bearing an image of the seller or seller's agent, as applicable:

For purposes of complying with this subdivision, an automotive salvage recycler is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction:

(10) The license plate number, make, model, and color of the vehicle that is used to deliver the purchased vehicle to the automotive salvage recycler:

(11) The signature of the person receiving consideration from the seller or the seller's agent:

(12) A photographic or videographic image, taken when the vehicle is purchased, of the following:

(A) A frontal view of the facial features of the seller or the seller's agent:

(B) The vehicle that is the subject of the purchase transaction:

(c) An automotive salvage recycler may not complete a purchase transaction in the absence of the information required under subsection (b)(9):

(d) An automotive salvage recycler or an agent of an automotive



salvage recycler that knowingly or intentionally buys a vehicle that is less than fifteen (15) model years old without a certificate of title or certificate of authority for the vehicle commits a Level 6 felony.

SECTION 26. IC 9-31-3-6, AS AMENDED BY P.L.174-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6. (a) The secretary of state ~~shall furnish~~ **may issue** temporary license plates ~~and registration cards~~ to a **registered licensed** dealer upon request.

(b) A temporary license plate ~~or card~~ described in subsection (a) must display the following information:

- (1) The dealer's license number.
- (2) The date of expiration, plainly stamped or stenciled on the temporary license plate. ~~or card.~~

(c) A temporary license plate ~~or card~~ may not be used or displayed unless the plate ~~or card~~ is furnished by the secretary of state.

(d) A dealer that authorizes the use of a temporary license plate ~~or card~~ under this section does not assume responsibility or incur liability for injury to a person or property during the period the temporary license plate ~~or card~~ is in effect.

SECTION 27. IC 9-31-3-19, AS AMENDED BY P.L.174-2016, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 19. (a) A dealer licensed by the secretary of state under IC 9-32-8-2 may, upon application to the secretary of state, obtain a dealer plate **and registration card** for use in the testing or demonstrating of motorboats. ~~A Two (2) dealer plate plates~~ must be displayed within a motorboat that is being tested or demonstrated while the motorboat is being tested or demonstrated.

(b) A transfer dealer or automobile auction licensed under IC 9-32 may request dealer plates under subsection (a).

~~(b)~~ **(c)** The fee to obtain a dealer plate **and registration card** under subsection (a) is ten dollars (\$10). The secretary of state may retain the fee.

SECTION 28. IC 9-31-3-30 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 30. A dealer that knowingly or intentionally:**

- (1) issues an altered temporary license plate or a temporary license plate with false or fictitious information;**
- (2) alters a dealer license plate or uses a dealer license plate that is false or fictitious; or**
- (3) creates, issues, displays, or uses a temporary license plate or a reproduction of a temporary license plate not issued by the secretary;**



commits a Class A infraction.

SECTION 29. IC 9-31-3-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 31. (a) A person that knowingly or intentionally operates a watercraft displaying:**

(1) a temporary license plate issued under section 6 of this chapter that is altered or reproduced; or

(2) a license plate that purports to be a temporary license plate issued under section 6 of this chapter;

commits a Class C misdemeanor.

(b) A person that, with the intent to defraud, obtains an altered temporary license plate described in subsection (a) commits a Class C misdemeanor.

SECTION 30. IC 9-32-2-4, AS AMENDED BY P.L.174-2016, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 4. "Automobile auction" means a person that, as part of the person's whose primary business arranges, manages, sponsors, advertises, hosts, carries consists of arranging, managing, sponsoring, advertising, hosting, carrying out, or otherwise facilitates facilitating the auction of more than three (3) motor vehicles or watercraft on the basis of bids by persons acting for themselves or others, within a twelve (12) month period. The term includes a place of business or facilities provided by an auctioneer as part of the business of the auctioneer for the purchase and sale of motor vehicles or watercraft on the basis of bids by persons acting for themselves or others. The term does not include a person acting only as an auctioneer under IC 25-6.1-1.**

SECTION 31. IC 9-32-2-6, AS AMENDED BY P.L.174-2016, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6. (a) "Broker" means a person that, for a fee, a commission, or other valuable consideration, arranges or offers to arrange a transaction involving the sale, for purposes other than resale, of a new or used motor vehicle and who is not,**

(1) a dealer or an employee of a dealer;

(2) a distributor or an employee of a distributor; or

(3) at any point in the transaction, the bona fide owner of the motor vehicle involved in the transaction.

(b) The term does not include:

(1) a dealer licensed under this article or an employee of a dealer licensed under this article acting in an employment arrangement with the dealer, if the motor vehicle being sold is a motor vehicle in the dealer's inventory or is subject to a



consignment agreement between the dealer and the owner of the motor vehicle;

(2) a distributor licensed under this article, or an employee of a distributor licensed under this article and acting in an employment arrangement with the distributor, if the sale being arranged is a sale to a dealer licensed under this article; or

(3) a manufacturer licensed under this article, or an employee of a manufacturer licensed under this article and acting in an employment arrangement with the manufacturer, if the sale being arranged is a sale to a dealer licensed under this article.

SECTION 32. IC 9-32-2-9.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 9.7. "Dealer manager" means an individual who works at the established place of business of a dealer and who is responsible for and is in charge of the day to day operations, including the management, direction, and control of the dealership.**

SECTION 33. IC 9-32-2-9.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 9.9. "Dealer owner" means the following:**

(1) For a licensed or applicant dealer, other than a manufacturer, that is a corporation, each officer, director, and shareholder having a ten percent (10%) or greater ownership interest in the corporation.

(2) If no officer, director, or shareholder has a ten percent (10%) or greater ownership interest in the corporation, one (1) or more officers, directors, or shareholders designated in writing by the board of directors.

(3) If the licensed or applicant dealer, other than a manufacturer, is a sole proprietorship, the proprietor.

(4) If the licensed or applicant dealer, other than a manufacturer, is a partnership, each partner.

(5) If the licensed or applicant dealer, other than a manufacturer, is a limited liability company, each member of the company.

(6) For a licensed or applicant manufacturer, one (1) or more officers, directors, or shareholders designated in writing by the manufacturer.

SECTION 34. IC 9-32-2-18.7, AS ADDED BY P.L.174-2016, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 18.7. (a) "Personal information" means information that identifies a ~~person~~, an individual**, including an



individual's:

- (1) digital photograph or image;
- (2) Social Security number;
- (3) driver's license or identification document number;
- (4) name;
- (5) address;
- (6) telephone number; or
- (7) medical or disability information.

(b) The term "Personal information" does not include: the name of an owner, an officer, or a partner of a dealer; or the name, address, or telephone number of a business or of a dealer's established place of business:

- (1) the name of a dealer owner;**
- (2) the name of a representative of a:**
 - (A) manufacturer; or**
 - (B) distributor;**
- (3) the name of the zoning official who signed a dealer license application or zoning affidavit related to a dealer license application;**
- (4) the name of the lessor of a dealer's established place of business;**
- (5) the name of a dealer's registered agent; or**
- (6) the name, address, or telephone number of the established place of business of a:**
 - (A) business; or**
 - (B) dealer.**

SECTION 35. IC 9-32-2-25, AS AMENDED BY P.L.174-2016, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 25. **(a)** "Transfer dealer" means a person ~~other than a manufacturer, distributor, converter manufacturer, new motor vehicle dealer, used motor vehicle dealer, automotive salvage recycler, watercraft dealer, automotive mobility dealer, or automobile auction~~ that has the necessity of ~~transferring~~ **transfers ownership of** at least twelve (12) motor vehicles during a twelve (12) month period as part of the ~~transfer dealer's person's primary business. function:~~

- (b) "Transfer dealer" does not include:**
- (1) a manufacturer;**
 - (2) a distributor;**
 - (3) a converter manufacturer;**
 - (4) a watercraft dealer;**
 - (5) an automotive mobility dealer;**
 - (6) an automotive auction;**



(7) a person engaged in the business of:

- (A) storing vehicles;**
- (B) furnishing supplies for vehicles;**
- (C) providing towing services for vehicles; or**
- (D) repairing vehicles; or**

(8) a person whose primary business is selling motor vehicles.

SECTION 36. IC 9-32-3-4, AS ADDED BY P.L.174-2016, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 4. (a) The secretary may accept payment of a correct fee by:

- (1) credit card;**
- (2) debit card;**
- (3) charge card;**
- (4) guaranteed electronic check; or**
- (5) a similar method. However;**

(b) If the fee is paid by credit card, debit card, charge card, or similar method, using a method of payment set forth in subsection (a), the legal obligation is not finally discharged until the secretary receives payment or credit from the institution responsible for making the payment or credit.

(c) The secretary may contract with a bank or credit card vendor for acceptance of bank or credit cards, or guaranteed electronic checks.

(d) However, If there is a vendor transaction charge or discount fee, whether billed to the secretary or charged directly to the secretary's account, the secretary or the credit card vendor may collect a fee from the person using the bank or credit card, a fee that may not exceed the highest transaction charge or discount fee charged to the secretary by the bank or credit card vendor during the most recent collection period: a method of payment set forth in subsection (a). This fee may not exceed the vendor transaction charge or discount fee. This fee may be collected regardless of any agreement between the bank and a credit card vendor or regardless of any internal policy of the credit card vendor that may prohibit this type of fee.

(e) A signature on a document that is electronically transmitted is sufficient if the person transmitting the document:

- (1) intends to submit the document as evidenced by a symbol executed or adopted by a party with present intention to authenticate the filing; and**
- (2) enters the submitting party's name on the electronic form in a signature box or other place indicated by the secretary.**

SECTION 37. IC 9-32-4-1, AS AMENDED BY P.L.174-2016, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2017]: Sec. 1. (a) If a motor vehicle **or watercraft** for which a certificate of title has been issued is sold or if the ownership of the motor vehicle **or watercraft** is transferred in any manner other than by a transfer on death conveyance under IC 9-17-3-9, in addition to complying with IC 9-17-3-3.4, the person that holds the certificate of title must do the following:

- (1) In the case of a sale or transfer between dealers licensed by this state or another state, deliver the certificate of title within thirty-one (31) days after the date of the sale or transfer.
- (2) Deliver the certificate of title to the purchaser or transferee within thirty-one (31) days after the date of sale or transfer to the purchaser or transferee of the motor vehicle **or watercraft**, if all the following conditions exist:
 - (A) The seller or transferor is a dealer licensed by the state under this article.
 - (B) The dealer is not able to deliver the certificate of title at the time of sale or transfer.
 - (C) The dealer provides the purchaser or transferee with an affidavit under section 2 of this chapter.
 - (D) The purchaser or transferee has made all agreed upon initial payments for the motor vehicle **or watercraft**, including delivery of a trade-in motor vehicle **or watercraft** without hidden or undisclosed statutory liens.
- (3) Keep proof of delivery of the certificate of title with the dealer records.

(b) A dealer may offer for sale a motor vehicle **or watercraft** for which the dealer does not possess a certificate of title, if the dealer can comply with subsection (a)(1) or (a)(2) at the time of the sale.

(c) A dealer that fails to deliver the certificate of title within the time specified under subsection (a) is subject to the following civil penalties:

- (1) One hundred dollars (\$100) for the first violation in a calendar year.
- (2) Two hundred fifty dollars (\$250) for the second violation in a calendar year.
- (3) Five hundred dollars (\$500) for all subsequent violations in a calendar year.

Payment shall be made to the secretary and deposited in the dealer enforcement account established under IC 9-32-7-2.

(d) If a purchaser or transferee does not receive a valid certificate of title within the time specified by this section, the purchaser or transferee has the right to return the motor vehicle **or watercraft** to the



dealer ten (10) days after giving the dealer written notice demanding delivery of a valid certificate of title and the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the motor vehicle **or watercraft** to the dealer in the same or similar condition as delivered to the purchaser or transferee under this section, the dealer shall pay to the purchaser or transferee the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount paid to the dealer by the purchaser or transferee. The relief referenced in this subsection is relief for the purchaser or transferee only and does not preclude the ability of the division to collect civil penalties under subsection (c).

(e) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver to the purchaser or transferee with a postmark dated or hand delivered not more than ten (10) business days after there is no obligation secured by the motor vehicle **or watercraft**. If the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party that has failed to timely deliver a valid certificate of title to the dealer, the dealer is entitled to claim against the third party one hundred dollars (\$100). If:

- (1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party that has failed to timely deliver the certificate of title in the third party's possession to the dealer; and
- (2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party all damages sustained by the dealer in rescinding the dealer's sale with the purchaser or transferee, including the dealer's reasonable attorney's fees.

(f) If a motor vehicle **or watercraft** for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the motor vehicle **or watercraft** shall deliver to the purchaser or receiver of the **motor vehicle or watercraft** a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(g) A dealer shall make payment to a third party to satisfy any obligation secured by the motor vehicle **or watercraft** within ten (10) days after the date of sale.

(h) Except as provided in subsection (i), a person that violates this section commits a Class C infraction.

(i) A person that knowingly or intentionally violates subsection (a)(1), (a)(2), or (d) commits a Class B misdemeanor.

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(j) For purposes of this section, "deliver the certificate of title" means to deliver the certificate of title to the purchaser or transferee by postmark dated mail, certified mail with return receipt, or hand delivery.

SECTION 38. IC 9-32-4-2, AS AMENDED BY P.L.174-2016, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. The affidavit required by section 1(a)(2)(C) of this chapter must be printed in the following form:

STATE OF INDIANA)
) ss:
COUNTY OF _____)

I affirm under the penalties for perjury that all of the following are true:

- (1) That I am a dealer licensed under IC 9-32.
- (2) That I cannot deliver a valid certificate of title to the retail purchaser of the motor vehicle **or watercraft** described in paragraph (3) at the time of sale of the motor vehicle **or watercraft** to the retail purchaser. The identity of the previous seller or transferor is _____. Payoff of lien was made on (date) _____. I expect to deliver a valid and transferable certificate of title not later than (date) _____ from the State of (state) _____ to the purchaser.
- (3) That I will undertake reasonable commercial efforts to produce the valid certificate of title. The vehicle identification number **or hull identification number** is _____.

Signed _____, Dealer

By _____

Dated _____, _____

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS AFFIDAVIT.

Customer Signature

NOTICE TO THE CUSTOMER

If you do not receive a valid certificate of title within thirty-one (31) days after the date of sale, you have the right to return the motor vehicle **or watercraft** to the dealer ten (10) days after giving the dealer written notice demanding delivery of a valid certificate of title and after the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the motor vehicle **or watercraft** to the dealer in the same or similar condition as when it was delivered to you, the dealer shall pay you the purchase price plus sales taxes, finance



expenses, insurance expenses, and any other amount that you paid to the dealer. If a lien is present on the previous owner's certificate of title, it is the responsibility of the third party lienholder to timely deliver the certificate of title in the third party's possession to the dealer not more than ten (10) business days after there is no obligation secured by the motor vehicle **or watercraft**. If the dealer's inability to deliver a valid certificate of title to you within the above-described ten (10) day period results from the acts or omissions of a third party that has failed to timely deliver the certificate of title in the third party's possession to the dealer, the dealer may be entitled to claim against the third party the damages allowed by law.

SECTION 39. IC 9-32-5-2, AS AMENDED BY P.L.151-2015, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. A dealer may not sell or otherwise dispose of a new motor vehicle **or watercraft** to another person, to be used by the person for purposes of display or resale, without delivering to the person a manufacturer's certificate of origin under this chapter that indicates the assignments of the certificate of origin necessary to show the ownership of the title to a person who purchases the motor vehicle **or watercraft**.

SECTION 40. IC 9-32-5-3, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. A person may not purchase or acquire a new motor vehicle **or watercraft** without obtaining a valid manufacturer's certificate of origin from the seller of the motor vehicle **or watercraft**.

SECTION 41. IC 9-32-5-5, AS AMENDED BY P.L.174-2016, SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. A dealer must have:

- (1) a certificate of title;
- (2) an assigned certificate of title;
- (3) a manufacturer's certificate of origin;
- (4) an assigned manufacturer's certificate of origin; or
- (5) other proof of ownership or evidence of right of possession as determined by the secretary;

for a motor vehicle **or watercraft** in the dealer's possession.

SECTION 42. IC 9-32-5-9, AS AMENDED BY P.L.174-2016, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. (a) In order to obtain or maintain a dealer's license from the secretary, a person must agree to allow a police officer or an authorized representative of the secretary to inspect:

- (1) certificates of origin, certificates of title, assignments of certificates of origin and certificates of title, or other proof of



ownership or evidence of right of possession as determined by the secretary; and

(2) motor vehicles **or watercraft** that are held for resale by the dealer;

in the dealer's established place of business during reasonable business hours.

(b) A certificate of title, a certificate of origin, and any other proof of ownership described under subsection (a):

(1) must be readily available for inspection by or delivery to the proper persons; and

(2) may not be removed from Indiana.

SECTION 43. IC 9-32-6-6.5, AS AMENDED BY P.L.174-2016, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 6.5. (a) This section applies to dealer license plates issued after December 31, 2014.

(b) Except as provided in subsection (c), dealer license plates issued to licensed dealers under this article are valid from the issue date through the expiration date as follows:

(1) Dealer license plates of a person whose business name begins with the letters A through B expire February 1 of each year.

(2) Dealer license plates of a person whose business name begins with the letters C through D expire March 1 of each year.

(3) Dealer license plates of a person whose business name begins with the letters E through F expire April 1 of each year.

(4) Dealer license plates of a person whose business name begins with the letters G through H expire May 1 of each year.

(5) Dealer license plates of a person whose business name begins with the letters I through J expire June 1 of each year.

(6) Dealer license plates of a person whose business name begins with the letters K through L expire July 1 of each year.

(7) Dealer license plates of a person whose business name begins with the letters M through N expire August 1 of each year.

(8) Dealer license plates of a person whose business name begins with the letters O through P expire September 1 of each year.

(9) Dealer license plates of a person whose business name begins with the letters Q through R expire October 1 of each year.

(10) Dealer license plates of a person whose business name begins with the letters S through T expire November 1 of each year.

(11) Dealer license plates of a person whose business name begins with the letters U through V expire December 1 of each year.



- (12) Dealer license plates of a person whose business name begins with the letters W through Z expire January 1 of each year.
- (c) Dealer license plates issued to a person whose business name begins with a nonalpha character expire November 1 of each year.
- (d) A dealer designee license plate expires as follows:
 - (1) For a dealer designee license plate issued before July 1, 2017, on the earlier of:
 - (A) the date designated by the dealer on the application related to the license plate; or
 - (B) the date on which the dealer license issued to the same person expires.
 - (2) For a dealer designee license plate issued after June 30, 2017, on the same date each year as the date on which a dealer license issued to the same person expires.
- (e) ~~Notwithstanding subsection (b); a dealer license plate issued in 2015 expires as follows:~~

| Plate issued to a person with a business name beginning with: | Plate expiration date: |
|---|------------------------|
| A through B | February 1, 2016 |
| C through D | March 1, 2016 |
| E through F | April 1, 2016 |
| G through H | May 1, 2016 |
| I through J | June 1, 2016 |
| K through L | July 1, 2016 |
| M through N | August 1, 2016 |
| O through P | September 1, 2016 |
| Q through R | October 1, 2016 |
| S through T | November 1, 2016 |
| U through V | December 1, 2016 |
| W through Z | January 1, 2017 |

~~This subsection expires January 2, 2017.~~

(f) (e) **This** subsection expires December 31, 2017. For a dealer license plate issued in 2015, the dealer services division shall impose a fee for the dealer license plate under IC 9-29-17 (before its repeal) in the amount that bears the same proportion to the annual fee for the dealer license plate as the number of months the dealer license plate is valid bears to twelve (12).

(f) **The fee to renew the license plates issued under IC 9-32-6-1 is as follows:**

- (1) For motorcycle dealer license plates, fifteen dollars (\$15).
- (2) For dealer license plates not described in subdivision (1),



forty dollars (\$40).

(g) Fees collected under subsection (f) shall be distributed as follows:

- (1) Thirty percent (30%) to the dealer compliance account established by IC 9-32-7-1.
- (2) Seventy percent (70%) to the motor vehicle highway account under IC 8-14-1.

(h) There is an additional service charge of five dollars (\$5) for the renewal of each set of license plates issued under IC 9-32-6-1. The service charge shall be deposited in the crossroads 2000 fund.

(i) The fee to renew each additional license plate issued under IC 9-32-6-5 is as follows:

- (1) For an additional motorcycle dealer license plate, seven dollars and fifty cents (\$7.50).
- (2) For an additional dealer license plate not described in subdivision (1), fifteen dollars (\$15).

(j) Fees collected under subsection (i) shall be distributed as follows:

- (1) Thirty percent (30%) to the dealer compliance account established by IC 9-32-7-1.
- (2) Seventy percent (70%) to the motor vehicle highway account under IC 8-14-1.

(k) There is an additional service charge for the renewal of each additional license plate issued under IC 9-32-6-5, as follows:

- (1) For an additional motorcycle dealer license plate, two dollars and fifty cents (\$2.50).
- (2) For an additional dealer license plate not described in subdivision (1), five dollars (\$5).

(l) The service charge under subsection (k) shall be deposited in the crossroads 2000 fund.

(m) The fee to renew a license plate issued under IC 9-32-6-2(b) is forty dollars (\$40). The fee shall be deposited in the dealer compliance account established by IC 9-32-7-1.

(n) The fees collected under subsection (o) shall be distributed as follows:

- (1) Forty percent (40%) to the crossroads 2000 account.
- (2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.
- (3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

(o) The fee to renew a dealer designee license plate issued under IC 9-32-6.5-1 is twenty-one dollars and thirty-five cents (\$21.35).



SECTION 44. IC 9-32-6-16, AS ADDED BY P.L.174-2016, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16. (a) Except as provided in subsection (b), if a dealer license plate **or registration card** issued under this chapter or IC 9-31-3-19 is lost, stolen, or destroyed, the dealer may apply for a replacement dealer license plate **or registration card** in the form and manner prescribed by the secretary.

(b) If a dealer license plate **or registration card** is lost or stolen, the secretary may not issue a replacement dealer license plate **or registration card** until the dealer to whom the dealer license plate **or registration card** was issued:

(1) has notified:

(A) the Indiana law enforcement agency that has jurisdiction where the loss or theft occurred; or

(B) the law enforcement agency that has jurisdiction over the address of the dealer's established place of business; and

(2) presents to the secretary on a form prescribed by the secretary a report completed by the law enforcement agency that was notified under subdivision (1).

SECTION 45. IC 9-32-6-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 17. (a) **If the secretary is not able to comply with the provisions of this article relating to furnishing dealer license plates, interim license plates, or temporary license plates because of a materials shortage or any other reason that makes the secretary unable to provide the license plates, the secretary may issue an alternate license plate to a dealer licensed under this article.**

(b) **The secretary may adopt rules under IC 4-22-2 to provide the type and number of alternate plates that will be furnished, qualifications for requesting the plates, limitations on the use of the plates, and the manner in which the plates must be displayed.**

(c) **Compliance with a rule adopted under this section satisfies the provisions of this chapter relating to the display of license plates.**

SECTION 46. IC 9-32-6.5-1, AS ADDED BY P.L.174-2016, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) This section applies after June 30, 2017.

(b) The secretary may design and issue a dealer designee license plate for use without restriction by the secretary or a designee of a dealer.

(c) A dealer that assigns a dealer designee license plate **and registration card** to a person shall report to the secretary on a form



issued by the secretary the date of assignment, the person's name and address, the date of termination of the assignment, and any other information the secretary requires. A copy of the form must be kept at all times in the vehicle displaying the dealer designee license plate.

(d) The fee for a dealer designee license plate **and registration card** is twenty-one dollars and thirty-five cents (\$21.35). The fee shall be distributed as follows:

- (1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.
- (2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.
- (3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

SECTION 47. IC 9-32-6.5-3 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 3: (a) An interim manufacturer transporter license plate shall be developed and issued as follows:

- (1) Before July 1, 2017, by the bureau.
- (2) After June 30, 2017, by the secretary.

(b) The fee for an interim manufacturer transporter license plate issued after June 30, 2017, is three dollars (\$3). The fee shall be distributed as follows:

- (1) Forty percent (40%) to the crossroads 2000 fund established by IC 8-14-10-9.
- (2) Forty-nine percent (49%) to the dealer compliance account established by IC 9-32-7-1.
- (3) Eleven percent (11%) to the motor vehicle highway account under IC 8-14-1.

SECTION 48. IC 9-32-6.5-4 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 4: (a) An interim manufacturer transporter license plate may be issued only to a manufacturer of semitrailers or trailers that is licensed as a manufacturer under IC 9-32. The license plate may be used only in connection with delivery of newly manufactured semitrailers or trailers:

(b) A person that knowingly or intentionally uses an interim manufacturer transporter license plate for a purpose other than the delivery of a newly manufactured semitrailer or trailer commits a Class B misdemeanor.

SECTION 49. IC 9-32-6.5-5 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 5: (a) An interim manufacturer transporter license plate shall be displayed on a vehicle in the manner determined by the bureau or the secretary, as applicable. Interim manufacturer transporter license plates may be issued in bulk. An interim manufacturer transporter



license plate must display the assigned manufacturer's registration number:

- (b) A person that knowingly or intentionally fails to display:
 - (1) an interim manufacturer transporter license plate; or
 - (2) the assigned manufacturer's registration number and expiration date on an interim manufacturer transporter license plate;

under subsection (a) commits a Class B infraction:

SECTION 50. IC 9-32-6.5-6 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 6: (a) A manufacturer shall affix the proper vehicle identification number and date when an interim manufacturer transporter license plate is assigned to a specific vehicle. A license plate remains valid for thirty-one (31) days from the date the plate is affixed to the semitrailer or trailer and may not be renewed. Only one (1) interim manufacturer transporter license plate may be issued for a newly manufactured trailer or semitrailer.

- (b) A person that knowingly or intentionally:
 - (1) displays an interim manufacturer transporter license plate past its date of expiration; or
 - (2) uses an interim manufacturer transporter license plate for more than one (1) newly manufactured trailer or semitrailer;

commits a Class B infraction:

SECTION 51. IC 9-32-6.5-7 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 7: (a) An interim manufacturer transporter license plate may be used only when:

- (1) a manufacturer is delivering a semitrailer or trailer to a:
 - (A) purchaser;
 - (B) person that will offer the motor vehicle for sale; or
 - (C) motor carrier (as defined in IC 8-2.1-17-10);
- (2) a purchaser or dealer accepts the motor vehicle at the manufacturer's facility; or
- (3) a motor carrier delivers the semitrailer or trailer from the manufacturer to either the purchaser, a seller, or to another motor carrier that will make the delivery.

(b) A person that knowingly or intentionally uses an interim manufacturer transporter license plate for a purpose not specified in subsection (a) commits a Class B infraction:

SECTION 52. IC 9-32-6.5-9 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 9: A newly manufactured semitrailer or trailer displaying an interim manufacturer transporter license plate may transport property. Property being transported may be unrelated to the delivery of the semitrailer or trailer.



SECTION 53. IC 9-32-6.5-10 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 10: A manufacturer may use either the license plate issued under this chapter or IC 9-18-27 (before its repeal) or a permit issued under IC 9-18-7 (before its expiration) or IC 9-18-1-2.~~

SECTION 54. IC 9-32-6.5-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 12. (a) Except as provided in subsection (b), if a dealer designee license plate or registration card issued under this chapter is lost, stolen, or destroyed, the dealer may apply for a replacement dealer designee license plate or registration card in the form and manner prescribed by the secretary.**

(b) If a dealer designee license plate or registration card is lost or stolen, the dealer to whom the dealer designee license plate or registration card was issued shall:

- (1) notify the law enforcement agency that has jurisdiction where the loss or theft occurred; and**
- (2) present to the secretary on a form prescribed by the secretary a report completed by the law enforcement agency that was notified under subdivision (1).**

SECTION 55. IC 9-32-7-1, AS AMENDED BY P.L.174-2016, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 1. (a) The dealer compliance account is established as a separate account to be administered by the secretary. The funds in the account must be available, with the approval of the budget agency, for use in enforcing and administering this article.**

(b) The expenses of administering this article shall be paid from money in the account.

(c) The treasurer of state shall invest the money in the dealer compliance account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) The dealer compliance account consists of the following:

- (1) Money deposited under:**
 - ~~(A) IC 9-32-6; and~~
 - (B) IC 9-32-6.5; and**
 - ~~(C) section 3(1) of this chapter.~~
- (2) Appropriations to the account from other sources.**
- (3) Grants, gifts, donations, or transfers intended for deposit in the account.**
- (4) Interest that accrues from money in the account.**



(e) Money in the dealer compliance account at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the dealer compliance account is continuously appropriated to the secretary for the purposes of the account.

SECTION 56. IC 9-32-7-3, AS AMENDED BY P.L.174-2016, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. All money collected by the secretary from manufacturers, distributors, dealers, automobile auctions, manufacturer representatives, distributor representatives, transfer dealers, converter manufacturers, or automotive mobility dealers for licenses, **endorsements**, and permit fees under IC 9-32-11 shall be deposited as follows:

- (1) Thirty percent (30%) to the dealer compliance account established by section 1 of this chapter.
- (2) Forty percent (40%) to the motor vehicle highway account under IC 8-14-1.
- (3) Twenty percent (20%) to the state police department, and this amount is continuously appropriated to the department for its use in enforcing odometer laws.
- (4) Ten percent (10%) to the attorney general, and this amount is continuously appropriated to the attorney general for use in enforcing odometer laws.

SECTION 57. IC 9-32-8-3, AS AMENDED BY P.L.174-2016, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) An application for a watercraft dealer license must: ~~meet all the following conditions:~~

- (1) be accompanied by a nonrefundable fee of thirty dollars (\$30); ~~The secretary shall retain a fee collected under this subdivision.~~
- (2) be on a form prescribed by the secretary;
- (3) be completed by a dealer owner or dealer manager; and**
- ~~(3)~~ **(4)** contain any information that the secretary reasonably needs to enable the secretary to determine fully the:
 - (A) qualifications and eligibility of the applicant to receive the license;
 - (B) location of each of the applicant's places of business in Indiana; and
 - (C) ability of the applicant to conduct properly the business for which the application is submitted.

(b) An application for a license as a watercraft dealer must show whether the applicant proposes to sell new or used watercraft or both new and used watercraft.

(c) The secretary shall retain the fee collected under this section.



SECTION 58. IC 9-32-8-4 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 4: A license issued to a watercraft dealer must specify the location of the established place of business and shall be conspicuously displayed at the established place of business. If a business name or location is changed, the licensee shall notify the secretary within ten (10) days and remit a fee of five dollars (\$5). The secretary shall retain a fee collected under this subsection. The secretary shall endorse the change on the watercraft dealer license if the secretary determines that the change is not subject to other provisions of this chapter.

SECTION 59. IC 9-32-8-5, AS AMENDED BY P.L.174-2016, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 5. (a) A watercraft dealer license issued under this chapter shall be issued and expires based on the business name of the watercraft dealer as set forth in IC 9-32-11-12.5.

(b) If a watercraft dealer license is lost or destroyed, the watercraft dealer ~~may~~ **must** apply for a replacement watercraft dealer license in the form and manner prescribed by the secretary.

SECTION 60. IC 9-32-9-3, AS AMENDED BY P.L.174-2016, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 3. (a) To apply for a license under this chapter, an automotive salvage recycler must submit an application to the secretary. An application for a license under this chapter must:

- (1) be on a form prescribed by the secretary;
- (2) be completed by a dealer owner or dealer manager;**
- ~~(2)~~ **(3)** contain the information the secretary considers necessary to enable the secretary to determine fully:
 - (A) the qualifications and eligibility of the applicant to receive the license; and
 - (B) the ability of the applicant to properly conduct the business for which the application is submitted; and
- ~~(3)~~ **(4)** be accompanied by the following:
 - (A) Evidence of a bond required under IC 9-32-11-2.
 - (B) Payment of the fee under subsection (c).
 - (C) An affidavit from:
 - (i) the person charged with enforcing a zoning ordinance, if the person exists; or
 - (ii) the zoning enforcement officer under IC 36-7-4, if a zoning enforcement officer exists;
 who has jurisdiction over the real property where the applicant wants to operate as an automotive salvage recycler.

If there is no person or officer that has jurisdiction over the real property as described in subdivision ~~(3)(C)~~; **(4)(C)**, the application



must be accompanied by a statement to that effect from the executive of the unit in which the real property is located. The affidavit must state that the proposed location is zoned for the operation of an establishment of an automotive salvage recycler. The applicant may file the affidavit at any time after the filing of the application. However, the secretary may not issue a license until the applicant files the affidavit or the statement.

(b) If an automotive salvage recycler license is lost or destroyed, the automotive salvage recycler ~~may~~ **shall** apply for a replacement automotive salvage recycler license in the form and manner prescribed by the secretary.

(c) The fee for an automotive salvage recycler license under subsection (a) is ten dollars (\$10). The fee is nonrefundable and shall be retained by the secretary.

SECTION 61. IC 9-32-9-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 12. (a) A dealer licensed under this article may reassign a certificate of salvage title one (1) time without applying to the bureau for the issuance of a new certificate of salvage title.**

(b) A dealer that violates this section commits a Class A infraction.

SECTION 62. IC 9-32-9-13 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 13. (a) A dealer licensed under this article shall secure an affidavit from the person that holds the certificate of title on the date of receiving a title by sale or transfer. The affidavit must state whether the vehicle is a flood damaged vehicle.**

(b) The dealer shall file the affidavit secured under subsection (a) with the bureau upon receiving the affidavit and shall retain a copy of the affidavit with the records of the dealer.

(c) Submission of a fraudulent affidavit under subsection (a) subjects the affiant to civil liability for all damages incurred by a dealer, subsequent purchaser, or transferee of the title, including reasonable attorney's fees and court costs (including fees).

(d) A dealer that knowingly or intentionally fails to comply with subsection (a) or (b) commits a Class B misdemeanor.

(e) A person that knowingly or intentionally submits a fraudulent affidavit under subsection (a) commits a Class A infraction.

SECTION 63. IC 9-32-9-14 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 14. (a) A scrap metal processor or other appropriate**



facility that purchases or acquires a salvage motor vehicle that has been totally demolished or destroyed as a result of normal processing performed by a recycling facility is not required to apply for and receive a certificate of salvage title for the vehicle.

(b) The facility or processor that performed the processing that resulted in the vehicle being demolished or destroyed shall surrender the certificate of title, the certificate of authority, or the certificate of salvage title to the bureau.

SECTION 64. IC 9-32-9-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 15. (a) The secretary shall prescribe recordkeeping forms to be used by an automotive salvage recycler licensed under this article to preserve information about salvage vehicles or major component parts acquired or sold by the business.**

(b) The recordkeeping forms required under subsection (a) must contain the following information:

(1) For each new or used vehicle acquired or disposed of or for the major component parts of a new or used vehicle, the following:

(A) A description of the vehicle or major component part, including numbers or other marks identifying the vehicle or major component part.

(B) The date the vehicle or major component part was acquired and disposed of.

(C) The name and address of the person from whom the vehicle or major component part was acquired.

(D) Verification of the purchaser of the vehicle or major component part by confirming the purchaser's identity by a driver's license, a state identification card, or other reliable means.

(2) For vehicles acquired or disposed of, in addition to the information required by subdivision (1), the following:

(A) The vehicle's trade name.

(B) The vehicle's manufacturer.

(C) The vehicle's type.

(D) The model year and vehicle identification number.

(E) A statement of whether any number has been defaced, destroyed, or changed.

(3) For wrecked, dismantled, or rebuilt vehicles, the date the vehicle was dismantled or rebuilt.

(c) Separate records for each vehicle or major component part must be maintained.



(d) The recordkeeping requirements of this section do not apply to hulk crushers or to scrap metal processors when purchasing scrap from a person that is licensed under this article and that is required to keep records under this section.

(e) An automotive salvage recycler licensed under this article that knowingly or intentionally fails to:

(1) maintain records regarding salvage vehicles or major component parts acquired or sold by the business; or

(2) maintain records regarding salvage vehicles or major component parts on forms that comply with subsection (b);

commits a Class A infraction.

(f) Records required to be maintained under this section may be maintained in any form of data storage acceptable to the secretary if the records are readily accessible and available to copy by an investigating or auditing employee of the secretary upon demand at the established place of business.

SECTION 65. IC 9-32-9-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 16. (a) Unless otherwise specified or required, the records required under section 15 of this chapter shall be retained for five (5) years after the date the vehicle or major component part was acquired, in the form prescribed by the secretary. The records must be maintained at the established place of business for two (2) years. Following the two (2) year period, records may be moved offsite, but must be maintained for five (5) years.**

(b) An automotive salvage recycler that knowingly or intentionally fails to comply with subsection (a) commits a Class B misdemeanor.

SECTION 66. IC 9-32-9-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 17. (a) The records required under section 15 of this chapter must be available to, and produced at the request of, a police officer or an authorized agent of the secretary of state under this chapter.**

(b) An automotive salvage recycler that fails to make available or produce the records described under section 15 of this chapter for a police officer or an authorized agent of the secretary of state commits a Class A infraction.

SECTION 67. IC 9-32-9-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 18. (a) This section applies to vehicles and their component parts that are in either their current model year or in**



the immediately preceding six (6) model years when purchased by a recycling facility or automotive salvage rebuilder.

(b) A recycling facility and automotive salvage rebuilder licensed under this chapter shall comply with the recordkeeping requirements under section 15 of this chapter for the purchase of a salvage motor vehicle or major component part.

(c) A recycling facility or automotive salvage rebuilder that fails to comply with subsection (a) or (b) commits a Class A infraction.

SECTION 68. IC 9-32-9-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 19. (a) A record required to be maintained under this chapter is subject to inspection by a police officer during normal business hours. In addition to the inspections authorized under section 20 of this chapter, an inspection under this section may include an examination of the premises of the licensee's established place of business for the purpose of determining the accuracy of the required records.**

(b) A recycling facility, automotive salvage rebuilder, or used parts dealer that knowingly or intentionally fails to:

- (1) maintain records as required under this chapter; or
- (2) allow an inspection of a licensee's established place of business for the purpose of determining the accuracy of required records;

commits a Class A infraction.

SECTION 69. IC 9-32-9-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 20. (a) The secretary of state, a police officer, or an agent of the secretary of state or a police officer may enter upon the premises of an automotive salvage recycler during normal business hours to inspect a vehicle, major component part, records, certificate of title, and other ownership documents to determine compliance with this chapter.**

(b) A person that knowingly or intentionally prevents the secretary of state, a police officer, or agent of the secretary of state from inspecting a vehicle, a major component part, a record, a certificate of title, or another ownership document during normal business hours commits a Class A infraction.

SECTION 70. IC 9-32-9-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 21. In the absence of fraud or bad faith, a person who releases or provides evidence or information under this chapter to any of the following is immune from civil or criminal liability for**



providing that evidence or information:

- (1) The superintendent of the state police or the superintendent's designee.
- (2) The attorney general or the attorney general's designee.
- (3) The city police chief or the city police chief's designee.
- (4) The county sheriff or the county sheriff's designee.
- (5) The prosecuting attorney or the prosecuting attorney's designee.

SECTION 71. IC 9-32-9-22 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 22.** A court may issue a warrant to search the premises of an automotive salvage rebuilder, an automotive salvage recycler, a recycling facility, or a used parts dealer for any major component parts being possessed, kept, sold, bartered, given away, used, or transported in potential violation of this chapter.

SECTION 72. IC 9-32-9-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 23.** A warrant issued under section 22 of this chapter shall be directed to a police officer who has the power of criminal process. The person to whom the warrant was issued shall serve the warrant and make the return not later than twenty (20) days after the date of issue.

SECTION 73. IC 9-32-9-24 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 24.** The law enforcement officer who serves a warrant issued under section 22 of this chapter shall seize any article described in the warrant and any other article the police officer finds during the search that is held in violation of this chapter. The law enforcement officer shall hold the articles pending the disposition ordered by the court in which a prosecution may be instituted for a violation of this chapter.

SECTION 74. IC 9-32-9-25 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 25.** A major component part seized under this chapter and any other article found on the searched premises and taken under a warrant issued under section 22 of this chapter may not be taken from the custody of the person who served the warrant by a writ of replevin or other process while proceedings are pending.

SECTION 75. IC 9-32-9-26 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 26.** The prosecution of a recycling facility, automotive



salvage rebuilder, insurance company, or individual suspected of violating this section may be instituted by the filing of an information or indictment in the same manner as other criminal cases are commenced.

SECTION 76. IC 9-32-9-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 27. A person aggrieved by a violation of this chapter may recover the actual damages sustained, together with costs and reasonable attorney's fees. The court may increase the award of damages to:**

- (1) an amount not to exceed three (3) times the actual damages sustained; or
- (2) two thousand five hundred dollars (\$2,500);

whichever is greater.

SECTION 77. IC 9-32-9-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 28. A person who violates this chapter commits a deceptive act that is actionable by the attorney general and is subject to the remedies and penalties under IC 24-5-0.5.**

SECTION 78. IC 9-32-9-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 29. (a) An automotive salvage recycler or an agent of an automotive salvage recycler may purchase a vehicle without a certificate of title for the vehicle if:**

- (1) the vehicle is at least fifteen (15) model years old;
- (2) the purchase is solely for the purpose of dismantling or wrecking the vehicle for the recovery of scrap metal or the sale of parts; and
- (3) the automotive salvage recycler records all purchase transactions of vehicles as required in subsection (b).

(b) An automotive salvage recycler shall maintain the following information with respect to each vehicle purchase transaction to which the automotive salvage recycler is a party for at least five (5) years after the date of the purchase transaction:

- (1) The name and address of any scrap metal processor or automobile scrapyard.
- (2) The name of the person entering the information.
- (3) The date and time of the purchase transaction.
- (4) A description of the vehicle that is the subject of the purchase transaction, including the make and model of the vehicle, if practicable.
- (5) The vehicle identification number of the vehicle, to the



extent practicable.

(6) The amount of consideration given for the vehicle.

(7) A written statement signed by the seller or the seller's agent certifying the following:

(A) The seller or the seller's agent has the lawful right to sell and dispose of the vehicle.

(B) The vehicle is not subject to a security interest or lien.

(C) The vehicle will not be titled again and will be dismantled or destroyed.

(8) The name, date of birth, and address of the person from whom the vehicle is being purchased.

(9) A photocopy or electronic scan of one (1) of the following valid and unexpired forms of identification issued to the seller or the seller's agent:

(A) A driver's license.

(B) An identification card issued under IC 9-24-16-1, a photo exempt identification card issued under IC 9-24-16.5, or a similar card issued under the laws of another state or the federal government.

(C) A government issued document bearing an image of the seller or seller's agent, as applicable.

For purposes of complying with this subdivision, an automotive salvage recycler is not required to make a separate copy of the seller's or seller's agent's identification for each purchase transaction involving the seller or seller's agent but may instead refer to a copy maintained in reference to a particular purchase transaction.

(10) The license plate number, make, model, and color of the vehicle that is used to deliver the purchased vehicle to the automotive salvage recycler.

(11) The signature of the person receiving consideration from the seller or the seller's agent.

(12) A photographic or videographic image, taken when the vehicle is purchased, of the following:

(A) A frontal view of the facial features of the seller or the seller's agent.

(B) The vehicle that is the subject of the purchase transaction.

(c) An automotive salvage recycler may not complete a purchase transaction without the information required under subsection (b)(9).

(d) An automotive salvage recycler or an agent of an automotive



salvage recycler that knowingly or intentionally buys a vehicle that is less than fifteen (15) model years old without a certificate of title or certificate of authority for the vehicle commits a Level 6 felony.

SECTION 79. IC 9-32-11-1, AS AMENDED BY HEA 1119-2017, SECTION 2, AND HEA 1592-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 1. (a) Subject to IC 9-32-11-20, the following persons must be licensed under this article to engage in the business of buying, selling, or manufacturing motor vehicles:

- (1) An automobile auction.
- (2) A converter manufacturer.
- (3) A dealer.
- (4) A distributor.
- (5) An automotive salvage recycler.
- (6) A watercraft dealer.
- (7) A manufacturer.
- (8) A transfer dealer.
- (9) An automotive mobility dealer.
- (10) A manufactured home dealer.

(b) An automotive mobility dealer who engages in the business of:

- (1) selling, installing, or servicing;
- (2) offering to sell, install, or service; or
- (3) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a motor vehicle by an individual who is disabled or aged must be licensed under this article.

(b) After January 1, 2018, an automotive mobility dealer must hold an automotive mobility dealer endorsement issued under this article.

(c) **After January 1, 2018**, an automotive mobility dealer that fails to be licensed **and hold an automotive mobility dealer endorsement** under this article, and engages in the ~~businesses described in~~ subsection (b) **business of:**

- (1) selling;
- (2) installing;
- (3) servicing; or
- (4) soliciting or advertising the sale, installation, or servicing of;

equipment or modifications specifically designed to facilitate use or operation of a motor vehicle or watercraft by an individual who is disabled or aged commits a Class A infraction.

SECTION 80. IC 9-32-11-2, AS AMENDED BY P.L.174-2016,



SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) An application for a license under this chapter must:

- (1) be accompanied by payment of the applicable fee required under this section;
- (2) be on a form prescribed by the secretary;
- (3) contain the information the secretary considers necessary to enable the secretary to determine fully:
 - (A) the qualifications and eligibility of the applicant to receive the license; and
 - (B) the ability of the applicant to conduct properly the business for which the application is submitted; ~~and~~
- (4) contain evidence of a bond required in subsection (e); **and**
- (5) be completed by a dealer owner or dealer manager.**

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used motor vehicles, or both.

(c) An applicant who proposes to use the Internet or another computer network to facilitate the sale of motor vehicles shall maintain all records at the established place of business in Indiana.

(d) The application must include an affidavit from:

- (1) the person charged with enforcing a zoning ordinance, if one exists; or
- (2) the zoning enforcement officer under IC 36-7-4, if one exists;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. If there is no person or officer that has jurisdiction over the real property, the application must be accompanied by a statement to that effect from the executive of the unit in which the real property is located. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment. The applicant may file the affidavit at any time after the filing of the application. However, the secretary may not issue a license until the applicant files the affidavit or the statement.

(e) A licensee shall maintain a bond satisfactory to the secretary in the amount of twenty-five thousand dollars (\$25,000). The bond must:

- (1) be in favor of the state;
- (2) secure payment of fines, penalties, costs, and fees assessed by the secretary after:
 - (A) notice;
 - (B) opportunity for a hearing; and
 - (C) opportunity for judicial review; and
- (3) secure the payment of damages to a person aggrieved by a violation of this article by the licensee after a judgment has been



issued.

(f) Service under this chapter shall be made in accordance with the Indiana Rules of Trial Procedure.

(g) The fee for a license for a manufacturer or a distributor is thirty-five dollars (\$35).

(h) The fee for a license for a dealer, ~~or an automobile auction other than a manufacturer, converter manufacturer, distributor, watercraft dealer, automotive salvage recycler, or transfer dealer~~ is thirty dollars (\$30).

(i) The fee for a transfer dealer ~~or a converter manufacturer or an automotive mobility dealer~~ is twenty dollars (\$20).

(j) The fees collected under this section are nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

SECTION 81. IC 9-32-11-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 2.5. (a) An automotive mobility dealer must be licensed under this article as a dealer, manufacturer, or converter manufacturer.**

(b) Effective January 1, 2018, before an automotive mobility dealer engages in any of the activities described in IC 9-13-2-8.5, the automotive mobility dealer must have an automotive mobility dealer endorsement issued by the secretary.

(c) An application for an automotive mobility endorsement must be:

- (1) on a form prescribed by the secretary; and**
- (2) accompanied by proof that the applicant is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association.**

SECTION 82. IC 9-32-11-5, AS AMENDED BY P.L.151-2015, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 5. A dealer proposing to sell new motor vehicles or watercraft shall file and maintain with the secretary:**

- (1) a current copy of each franchise to which the dealer is a party; or
- (2) if the dealer is a party to multiple franchises that are identical except for stated items, a copy of the franchise form with supplemental schedules of variations from the form.

SECTION 83. IC 9-32-11-6, AS AMENDED BY P.L.174-2016, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6. (a) A license issued to a dealer under this chapter: article:**

- (1) must specify the established place of business; and



(2) shall be conspicuously displayed at the established place of business.

(b) If a licensee's business name or location is changed, the licensee shall notify the secretary not later than ten (10) days after the change and remit a fee of five dollars (\$5). The secretary shall retain the fee. The secretary shall endorse the change on the license if the secretary determines that the change is not subject to other provisions of this article: **dealer's:**

- (1) business name, including a doing business as name;
- (2) established place of business address;
- (3) business entity type;
- (4) contact information; or
- (5) dealer owner;

changes, the dealer shall submit to the secretary an application for approval of the change not later than ten (10) days after the change in a manner prescribed by the secretary.

(c) If the change is to information described in subsection (b)(1) or (b)(2), the dealer shall remit a fee of five dollars (\$5) with the notification and submit any additional information necessary to obtain an amended dealer license. The fee is nonrefundable, and the secretary shall retain the fee.

~~(c)~~ (d) A dealer that uses the Internet or another computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the secretary not later than ten (10) days after any change in a name, address, or telephone number documented in business records located outside Indiana that have been created in transactions made in Indiana by the dealer. A report made under this subsection is not subject to the fee under subsection ~~(b)~~: (c).

~~(d)~~ (e) A dealer that wants to change a **its established place of business** location must submit to the secretary **an affidavit along with its** application for approval of the change. The **application must be accompanied by an affidavit must be** from:

- (1) the person charged with enforcing a zoning ordinance described in this subsection; or
- (2) the zoning enforcement officer under IC 36-7-4, if one exists; that has jurisdiction over the real property where the applicant wants to operate as a dealer.

(f) If there is no person or officer that has jurisdiction over the real property, the application must be accompanied by a statement to that effect from the executive of the unit in which the real property is located. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment.



(g) The secretary may not approve a change of location or endorse a change of location on the dealer's license until the dealer provides the affidavit or the statement.

(e) (h) For the purpose of this section, an offsite sales license issued under section 11 of this chapter does not constitute a change of location.

SECTION 84. IC 9-32-11-7, AS AMENDED BY P.L.174-2016, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 7. (a) A distributor representative and a manufacturer representative become certified by:

- (1) the licensed distributor or licensed manufacturer completing an application with the secretary to add the distributor representative or manufacturer representative to the license; and
- (2) paying a nonrefundable fee of twenty dollars (\$20).

The fee shall be deposited as set forth in IC 9-32-7-3.

(b) Any change to the certification of the distributor representative or manufacturer representative must be submitted to the secretary not later than ten (10) days after the change. The secretary shall endorse the change on the certification. A representative must have a certification when engaged in business and shall display the certification upon request.

(c) A distributor representative or manufacturer representative certification expires on the earlier of the following dates:

- (1) The date on which the license issued to the distributor or manufacturer that certified the representative expires.
- (2) The date on which the secretary receives notice that the certified distributor representative or manufacturer representative is no longer a representative of the licensed distributor or manufacturer.

(d) The fee to renew a manufacturer representative or a distributor representative certificate is twenty dollars (\$20). The fee is nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

SECTION 85. IC 9-32-11-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 7.5. If a manufacturer representative or distributor representative certificate issued under section 7 of this chapter is lost or destroyed, the manufacturer or distributor shall request a replacement certificate from the secretary in a manner prescribed by the secretary.**

SECTION 86. IC 9-32-11-8, AS AMENDED BY P.L.174-2016, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2017]: Sec. 8. The secretary shall, by rules adopted under IC 4-22-2, establish requirements for an initial application for and renewal of a dealer's license. The rules must include a requirement that each initial or renewal application for an automotive mobility ~~dealer's license~~ **dealer endorsement** include proof that the applicant is accredited through the Quality Assurance Program of the National Mobility Equipment Dealers Association.

SECTION 87. IC 9-32-11-8.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 8.5. If a dealer's license is lost or destroyed, the dealer must apply for a replacement dealer license in a manner prescribed by the secretary.**

SECTION 88. IC 9-32-11-9, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 9. An automotive mobility dealer licensed **and endorsed** under this chapter is entitled to:

- (1) display;
- (2) inventory;
- (3) advertise;
- (4) offer for sale; or
- (5) do any combination of subdivisions (1) through (4) concerning;

any adapted **motor vehicle or watercraft.**

SECTION 89. IC 9-32-11-12.5, AS AMENDED BY P.L.174-2016, SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 12.5. (a) This section applies to licenses (other than wholesale dealer licenses) issued after December 31, 2014.

(b) An initial or renewed license issued under this article is valid from the issue date through the expiration date in accordance with the following schedule:

- (1) A license for a person whose business name begins with the letters A through B expires February 1 of each year.
- (2) A license for a person whose business name begins with the letters C through D expires March 1 of each year.
- (3) A license for a person whose business name begins with the letters E through F expires April 1 of each year.
- (4) A license for a person whose business name begins with the letters G through H expires May 1 of each year.
- (5) A license for a person whose business name begins with the letters I through J expires June 1 of each year.
- (6) A license for a person whose business name begins with the letters K through L expires July 1 of each year.



(7) A license for a person whose business name begins with the letters M through N expires August 1 of each year.

(8) A license for a person whose business name begins with the letters O through P expires September 1 of each year.

(9) A license for a person whose business name begins with the letters Q through R expires October 1 of each year.

(10) A license for a person whose business name begins with the letters S through T expires November 1 of each year.

(11) A license for a person whose business name begins with the letters U through V expires December 1 of each year.

(12) A license for a person whose business name begins with the letters W through Z expires January 1 of each year.

(c) A dealer license issued to a person whose business name begins with a nonalpha character expires November 1 of each year.

(d) Notwithstanding subsection (b), a license issued in 2015 expires as follows:

License issued to a person
with a business name

beginning with:

License expiration date:

A through B

February 1, 2016

C through D

March 1, 2016

E through F

April 1, 2016

G through H

May 1, 2016

I through J

June 1, 2016

K through L

July 1, 2016

M through N

August 1, 2016

O through P

September 1, 2016

Q through R

October 1, 2016

S through T

November 1, 2016

U through V

December 1, 2016

W through Z

January 1, 2017

This subsection expires January 2, 2017.

(d) The fee for the renewal of an automotive salvage recycler license is ten dollars (\$10). The fees collected under this subsection are nonrefundable and shall be retained by the secretary.

(e) The fee for the renewal of a watercraft dealer license is thirty dollars (\$30). The fees collected under this subsection are nonrefundable and shall be retained by the secretary.

(f) The fee for the renewal of a manufacturer or distributor license is thirty-five dollars (\$35). The fees collected under this subsection are nonrefundable and shall be retained by the secretary.



(g) The fee for the renewal of a converter manufacturer or transfer dealer license is twenty dollars (\$20). The fees collected under this subsection are nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

(h) The fee for the renewal of a dealer license not described in subsection (d), (e), (f), or (g) is thirty dollars (\$30). The fees collected under this section are nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

(i) A person who violates this section by operating on an expired license issued under this chapter commits a Class A infraction.

SECTION 90. IC 9-32-11-13, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 13. A person licensed under this article may transfer or assign a title for a motor vehicle **or watercraft**.

SECTION 91. IC 9-32-11-15, AS AMENDED BY P.L.174-2016, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 15. (a) A person who ceases a business activity for which a license was issued under this ~~chapter~~ **article** shall do the following:

- (1) On a form prescribed by the secretary, notify the secretary of the date that the business activity will cease.
 - (2) Deliver to the secretary the license and all permanent dealer license plates, including dealer designee license plates, issued to the person not later than ten (10) days after the date the business activity will cease.
- (b) A dealer may not transfer or sell the:
- (1) dealer's license;
 - (2) use of the dealer's license;
 - (3) dealer's dealer license plates; or
 - (4) use of the dealer's dealer license plates.

(c) A dealer that changes its form of organization or state of incorporation may continue the dealer's licensure by filing an amendment to the license and registration if the change does not involve a material fact in the financial condition or management of the dealer. The amendment becomes effective when filed or on the date designated by the dealer in its filing. The new organization is a successor to the original dealer for the purposes of this article.

(d) If there is a change in the dealer's ownership, the successive owner shall file a new application for a license under this chapter.

SECTION 92. IC 9-32-11-18, AS AMENDED BY P.L.174-2016, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 18. (a) A person licensed under this article shall



be issued a special event permit from the secretary for a special event that meets the following conditions:

- (1) The event is a motor vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.
- (2) The motor vehicles to be auctioned are:
 - (A) at least fifteen (15) years old; or
 - (B) classified as classic, collector, or antique motor vehicles under rules adopted by the secretary.
- (3) At least one hundred (100) motor vehicles will be auctioned during the special event.
- (4) The licensee submits to the secretary an application for a special event permit not later than thirty (30) days before the beginning date of the special event.
- (5) The application under subdivision (4) is accompanied by includes the following:
 - (A) An affidavit from:
 - (i) the person charged with enforcing a zoning ordinance; or
 - (ii) a zoning enforcement officer under IC 36-7-4; who has jurisdiction over the real property where the applicant wants to operate the special event auction.
 - (B) A fee of two hundred fifty dollars (\$250). The fee shall be deposited as set forth in IC 9-32-7-3.

(b) If there is no person or officer that has jurisdiction over the real property as described in subsection (a)(5)(A), the application must be accompanied by a statement to that effect from the executive of the unit in which the real property is located. The affidavit must state that the proposed location is zoned for the operation of a special event auction.

(c) The applicant may file the affidavit at any time after the filing of the application. However, the secretary may not issue a special event auction permit until the applicant files the affidavit or statement.

(d) Not more than two (2) special event permits may be issued by the secretary to the same applicant within a twelve (12) month period.

SECTION 93. IC 9-32-11-19 IS REPEALED [EFFECTIVE JULY 1, 2017]. Sec. 19. If a license issued under this chapter is lost or destroyed; the person to which the license is issued may apply for a replacement license.

SECTION 94. IC 9-32-16-2, AS AMENDED BY P.L.174-2016, SECTION 110, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2017]: Sec. 2. (a) An order issued under this article may deny a dealer license **or endorsement** application for registration if the secretary finds that the order is in the public interest and subsection (c) authorizes the action. An order may condition or limit the license of an applicant to be a dealer and, if the applicant for a dealer license is a partner, officer, director, or person having similar status or performing similar functions, or a person directly or indirectly in control of the dealership, the order may condition or limit the license.

(b) If the secretary finds that an order is in the public interest and subsection (c) authorizes the action, an order issued under this article may deny, revoke, suspend, condition, limit, or permanently bar the granting of a license **or endorsement** or issuing of a license plate to or an application for a license, **endorsement**, or license plate from a dealer, ~~or a partner, an officer, a director, owner, dealer manager,~~ or a person having a similar status or performing similar functions as a dealer, or a person directly or indirectly in control of the dealer. However, the secretary may not:

- (1) institute a revocation or suspension proceeding under this subsection based on an order issued under the law of another state that is reported to the secretary or a designee of the secretary more than one (1) year after the date of the order on which it is based; or
 - (2) issue an order on the basis of an order issued under the dealer services laws of another state unless the other order was based on conduct for which subsection (c) would authorize the action had the conduct occurred in Indiana.
- (c) A person may be disciplined under this section if the person:
- (1) has filed an application for a dealer license **or endorsement** in Indiana under this article, or its predecessor, within the previous ten (10) years, which, as of the effective date of license or registration or as of any date after filing in the case of an order denying effectiveness, was incomplete as to a material fact or contained a statement that, in light of the circumstances under which it was made, was false or misleading with respect to a material fact;
 - (2) knowingly violated or knowingly failed to comply with this article, or its predecessor, within the previous ten (10) years;
 - (3) has been convicted of a:
 - (A) felony within the previous ten (10) years;
 - (B) felony or misdemeanor involving theft or fraud; or
 - (C) felony or misdemeanor concerning an aspect of business



involving the offer, sale, financing, repair, modification, or manufacture of a motor vehicle **or watercraft**;

(4) is enjoined or restrained by a court with jurisdiction in an action instituted by a state or the United States from engaging in or continuing an act, practice, or course of business involving an aspect of a business involving the offer, barter, sale, purchase, transfer, financing, repair, or manufacture of a motor vehicle **or watercraft**;

(5) refuses to allow or otherwise impedes the secretary from conducting an audit or inspection;

(6) has engaged in dishonest or unethical practices in a business involving the offer, barter, sale, purchase, transfer, financing, repair, or manufacture of a motor vehicle **or watercraft** within the previous ten (10) years;

(7) is engaging in unfair practices as set forth in this article;

(8) is on the most recent tax warrant list supplied to the secretary by the department of state revenue;

(9) violates IC 23-2-2.7;

(10) violates IC 9-19-9;

(11) willfully violates federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles **or watercraft**;

(12) is not compliant with local, state, or federal laws and regulations regarding a dealer license, **endorsement**, or dealer business;

(13) violates ~~IC 9-22-3-19~~; **IC 9-32-9-15**;

(14) violates ~~IC 9-22-3-20~~; **IC 9-32-9-16**; or

(15) violates ~~IC 9-22-5-18.2~~; **IC 9-32-9-29**.

(d) The secretary may revoke, suspend, or deny an application, impose fines and costs, restrict, condition, limit, bar, or suspend a dealer license, **endorsement**, or license plate issued under this article, or order restitution, or do any combination of these actions before final determination of an administrative proceeding. Upon the issuance of an order, the secretary shall promptly notify each person subject to the order:

(1) that the order has been issued;

(2) the reasons for the action; and

(3) that upon receipt of a request in a record from the person, the matter will be scheduled for a hearing within fifteen (15) days.

If a hearing is not requested and no hearing is ordered by the secretary within thirty (30) days after the date of service of the order, the order becomes final by operation of law. If a hearing is requested or ordered,



the secretary, after notice of and opportunity for hearing to each person subject to the order, may modify or vacate the order or extend the order until final determination.

(e) After a hearing, the secretary may suspend or deny an application, impose fines and costs, restrict, condition, limit, bar, suspend, or revoke a dealer license **or endorsement** or order restitution, or do any combination of these actions.

(f) Revocation or suspension of a license **or endorsement** of a dealer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

(g) Except as provided in subsection (d), an order may not be issued under this section without:

- (1) appropriate notice to the applicant or registrant;
- (2) an opportunity for a hearing; and
- (3) reasons for the action.

(h) A person that controls, directly or indirectly, a person not in compliance with this section may be disciplined by order of the secretary under subsections (a) and (b) to the same extent as the noncomplying person, unless the controlling person did not know, and in the exercise of reasonable care could not have known, of the existence of conduct that is a ground for discipline under this section.

(i) A person subject to this chapter that has not been issued a license **or endorsement** is subject to the same disciplinary fines, costs, and penalties as if a license had been issued.

SECTION 95. IC 9-32-16-11, AS AMENDED BY P.L.174-2016, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) All dealers operating as a:

- (1) corporation;
- (2) limited liability company;
- (3) limited partnership; or
- (4) limited liability partnership;

shall file and maintain all filings required to remain in good standing with the secretary of state business services division.

(b) A dealer that applies for a license under this article shall provide the secretary:

- (1) the federal tax identification number; and
- (2) the registered retail merchant's certificate number issued under IC 6-2.5-8;

issued to the dealer.

(c) The dealer must, for the entire licensing period, have an established place of business with a physical Indiana address. The dealer may not have a mailing address that differs from the actual



location of the business. **At the discretion of the secretary, an exemption may be granted for dealers with an established place of business in a location not serviced by the United States Postal Service to allow a post office box to be used as a mailing address. A dealer using a post office box for this reason must notify the division in writing with the dealer's application.**

(d) Before the secretary may issue a license to a dealer, the following must submit to a national criminal history background check (as defined in IC 10-13-3-12) or expanded criminal history check (as defined in IC 20-26-2-1.5) administered by the state police:

- ~~(1) All corporate officers of the dealer that will be named on the license.~~ **(1) Each dealer owner.**
- ~~(2) All partners of the dealer.~~ **(2) Each dealer manager.**
- ~~(3) All owners of the dealer.~~

The secretary shall make the determination whether an individual must submit to a national criminal history background check or an expanded criminal history check under this subsection.

(e) A national criminal history background check or expanded criminal history check conducted under subsection (d):

- (1) is at the expense of the dealer and the ~~dealer's corporate officers, partners, and dealer~~ owners; and
- (2) may be completed not more than sixty (60) days before the dealer applies for a license under this article.

(f) The secretary may deny an application for a license if the division finds that a ~~corporate officer, a partner, or an dealer~~ owner **or** a dealer **manager** has been convicted of a:

- (1) felony within the previous ten (10) years;
- (2) felony or misdemeanor involving theft or fraud; or
- (3) felony or misdemeanor concerning an aspect of business involving the offer, sale, financing, repair, modification, or manufacture of a motor vehicle **or watercraft.**

(g) If a dealer adds or changes a dealer owner or dealer manager after issuance of the initial license, the dealer must submit an application for a change in ownership in a manner prescribed by the secretary not later than ten (10) days after the change. The new dealer owner or dealer manager shall submit to a national criminal history background check or expanded criminal history check as set forth in subsection (d).

(h) Following licensure under this article, a dealer shall, not later than ninety (90) days after the entry of an order or judgment, notify the division in writing if the dealer owner or dealer manager



has been convicted of a:

- (1) felony within the past ten (10) years;
- (2) felony or misdemeanor involving theft or fraud; or
- (3) felony or misdemeanor concerning an aspect of business involving the:
 - (A) offer;
 - (B) sale;
 - (C) financing;
 - (D) repair;
 - (E) modification; or
 - (F) manufacture;
 of a motor vehicle or watercraft.

(g) (i) The dealer and the corporation, company, or partnership must be in good standing with the bureau, the department of state revenue, and the state police department during the entire period for which a license is valid.

SECTION 96. IC 9-32-16-16, AS ADDED BY P.L.174-2016, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 16. A dealer ~~may not alter or reproduce a license issued to the dealer by the secretary license or endorsement issued~~ under this article or by the bureau of motor vehicles under IC 9-23 (before its repeal) **may not be:**

- (1) loaned;
- (2) leased;
- (3) sold;
- (4) transferred;
- (5) copied;
- (6) altered; or
- (7) reproduced.

SECTION 97. IC 9-32-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 18. Consumer Restitution Fund

Sec. 1. As used in this chapter, "fund" means the consumer restitution fund established by section 4 of this chapter.

Sec. 2. As used in this chapter, "qualifying claim" means a claim that:

- (1) subject to section 5(b) of this chapter, is filed with the secretary on a form prescribed by the secretary; and
- (2) is based on:
 - (A) a final judgment in a court with jurisdiction in Indiana that:



- (i) is issued in a case instituted or maintained by the office of the attorney general in connection with a case involving a violation by one (1) or more dealers of IC 9-19, IC 9-22, IC 9-32 or a rule adopted under the authority of IC 9-32, or IC 24-5-0.5; and
- (ii) awards restitution to one (1) or more qualifying individuals; or
- (B) a final administrative order issued under IC 9-32-16-2;
- (3) identifies each qualifying individual who:
 - (A) has been awarded restitution in the order described in subdivision (2); and
 - (B) seeks payment from the fund through the claim submitted;
- (4) attests that the dealer ordered to pay the restitution has not paid the full amount ordered with respect to each qualifying individual identified under subdivision (3); and
- (5) seeks payment from the fund of any amount of restitution:
 - (A) ordered by the court or ordered under IC 9-32-16-2; and
 - (B) not paid by the dealer ordered to pay the restitution with respect to each qualifying individual identified under subdivision (3).

Sec. 3. As used in this chapter, "qualifying individual" means an Indiana resident who:

- (1) is a consumer victim who:
 - (A) purchased a vehicle for personal use; or
 - (B) otherwise conducted business with a dealership;
- (2) is awarded restitution by a final judgment in a court with jurisdiction in Indiana in a case that:
 - (A) is instituted or maintained by the office of the attorney general and involves a violation described in section 2(2)(A)(i) of this chapter; or
 - (B) is awarded restitution by administrative order under IC 9-32-16-2; and
- (3) assists or otherwise cooperates with the secretary in the investigation or enforcement of the case.

Sec. 4. (a) The consumer restitution fund is established for the purpose of compensating qualifying individuals who submit qualifying claims to the secretary.

- (b) The fund consists of:
 - (1) appropriations made to the fund by the general assembly;
 - (2) grants, gifts, and donations intended for deposit in the



fund; and

(3) at the discretion of the secretary, money recovered or received by the secretary for consumer protection purposes, if use of the money is not otherwise restricted.

(c) At the discretion of the secretary, the secretary may make an annual deposit from the dealer compliance account established by IC 9-32-7-1 or the dealer enforcement account established by IC 9-32-7-2, or both, into the fund.

(d) The expenses of administering the fund shall be paid from the money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. (a) The secretary may not make a payment to a qualifying individual under section 4 of this chapter unless the dealer ordered to pay restitution to the qualifying individual has not paid the full amount of the restitution as described in section 2(2) of this chapter:

(1) by the date provided in the order; or

(2) not later than ninety (90) days after the order is issued;

whichever is later.

(b) A qualifying individual may seek payment from the fund of any amount of the restitution:

(1) ordered by the court to be paid to the qualifying individual or ordered under IC 9-32-16-2; and

(2) not paid by the dealer ordered to pay the restitution;

by filing a claim with the secretary on a form prescribed by the secretary.

(c) The secretary must receive a claim filed under this chapter not later than one hundred eighty (180) days after the date on which the order described in section 2 of this chapter becomes final. The secretary may grant an extension of time for good cause shown by the qualifying individual filing the claim.

(d) Notwithstanding subsection (c), the secretary may not accept a claim that is received more than:

(1) two (2) years after the date of the judgment described in section 2(2)(A) of this chapter; or

(2) one hundred eighty (180) days after the date of the order described in section 2(2)(B) of this chapter;

becomes final.



(e) The personal information (as defined in IC 9-32-2-18.7), of a qualifying individual who files a qualifying claim with the secretary under subsection (b) is confidential and may not be disclosed or distributed outside the secretary, except as required by law.

(f) Upon receiving a qualifying claim, the secretary may pay, from money available in the fund, to each qualifying individual identified in the claim under section 2(3) of this chapter an amount that:

- (1) is determined by the secretary, at the secretary's discretion;
- (2) may be up to the amount of the restitution awarded to the qualifying individual and not paid by the dealer ordered to pay the restitution; and
- (3) may not exceed three thousand dollars (\$3,000).

(g) The limits set forth in subsection (f) do not prohibit a qualifying individual from seeking to recover, in any action, or through any other lawful remedy available, any amount of the restitution that:

- (1) is awarded to the qualifying individual in the order described in section 2(2) of this chapter;
- (2) is not paid by the dealer ordered to pay the restitution; and
- (3) exceeds the amount paid to the qualifying individual by the secretary under subsection (f).

Sec. 6. The state is not liable for a determination or an award made by the secretary under this chapter, except to the extent that money is available in the fund on the date the award is determined by the secretary under this chapter.

Sec. 7. The secretary may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 98. IC 34-30-2-34.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 34.3. IC 9-32-9-21 (Concerning persons releasing or providing evidence or information concerning salvage motor vehicles).**

SECTION 99. IC 35-52-9-55.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 55.5. IC 9-31-3-31 defines a crime concerning temporary license plates.**

SECTION 100. IC 35-52-9-25.6 IS REPEALED [EFFECTIVE JULY 1, 2017]. **Sec. 25.6. IC 9-22-3-7.5 defines a crime concerning**



abandoned, salvaged, and scrap vehicles:

SECTION 101. IC 35-52-9-26.5 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 26.5. IC 9-22-3-20 defines a crime concerning abandoned, salvaged, and scrap vehicles.~~

SECTION 102. IC 35-52-9-29 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 29. IC 9-22-5-18.2 defines a crime concerning buying a motor vehicle without a certificate of title.~~

SECTION 103. IC 35-52-9-58 IS REPEALED [EFFECTIVE JULY 1, 2017]. ~~Sec. 58. IC 9-32-6.5-4 defines a crime concerning license plates.~~

SECTION 104. IC 35-52-9-59 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 59. IC 9-32-9-13 defines a crime concerning abandoned, salvaged, and scrap vehicles.**

SECTION 105. IC 35-52-9-60 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 60. IC 9-32-9-16 defines a crime concerning abandoned, salvaged, and scrap vehicles.**

SECTION 106. IC 35-52-9-61 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 61. IC 9-32-9-29 defines a crime concerning buying a motor vehicle without a certificate of title.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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