



February 17, 2022

**ENGROSSED
SENATE BILL No. 246**

DIGEST OF SB 246 (Updated February 16, 2022 3:24 pm - DI 125)

Citations Affected: IC 27-1; IC 31-26; IC 34-30.

Synopsis: Motor vehicle insurance for foster children. Provides that an agreement among insurers through which automobile insurance is provided to motorists unable to obtain the insurance through ordinary methods must also make insurance available to a foster youth who: (1)
(Continued next page)

Effective: July 1, 2022.

**Walker K, Zay, Raatz, Bohacek,
Freeman, Sandlin, Doriot, Ford J.D.,
Niezgodski, Baldwin, Brown L,
Holdman, Lanane, Qaddoura,
Ford Jon, Randolph Lonnie M**
(HOUSE SPONSORS — LEHMAN, CLERE, AUSTIN, MCNAMARA,
SCHAIBLEY, PORTER)

January 10, 2022, read first time and referred to Committee on Insurance and Financial Institutions.

January 12, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

January 20, 2022, amended, reported favorably — Do Pass.

January 24, 2022, read second time, ordered engrossed. Engrossed.

January 25, 2022, read third time, passed. Yeas 46, nays 0.

HOUSE ACTION

February 1, 2022, read first time and referred to Committee on Financial Institutions and Insurance.

February 8, 2022, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

February 17, 2022, amended, reported — Do Pass.

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Digest Continued

is certified or acknowledged by the department of child services or by a designee of the department to be receiving foster care; and (2) is at least 16 years of age and not more than 23 years of age. Provides that a state or local government agency, a foster parent, or an entity providing services shall not be liable for any damages resulting from a foster youth's operation of an automobile owned and insured by the foster youth. Establishes the insuring foster youth trust fund (fund). Provides that the department of child services shall administer the fund. Provides that the money in the fund may be used to provide payments to foster youth who are at least 16 years of age and not more than 23 years of age to: (1) defray the cost of automobile insurance coverage for foster youth; and (2) provide reimbursement for not more than 44 of the 50 hours of supervised driving practice for foster youth. Makes conforming changes. Makes an appropriation.



February 17, 2022

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 246

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

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

1 SECTION 1. IC 27-1-22-20 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. Agreements may be
3 made among insurers with respect to the equitable apportionment
4 among them of:

5 (1) automobile;
6 (2) bodily injury liability; and
7 (3) property damage;
8 insurance which may be afforded applicants who are in good faith
9 entitled to but who are unable to procure such insurance through
10 ordinary methods. ~~and such~~ **The** insurers may agree among themselves
11 on the use of reasonable rate modifications for ~~such the~~ insurance, **and**
12 ~~such the~~ agreements and rate modifications ~~to be~~ **are** subject to the
13 terms of this chapter.

14 SECTION 2. IC 27-1-22-20.1 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2022]: **Sec. 20.1. (a) For purposes of this**
17 **section, an individual is a "foster youth" if:**

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1 (1) the department of child services; or
 2 (2) a designee of the department of child services;
 3 certifies or acknowledges that the individual is receiving foster
 4 care.

5 (b) An agreement entered into under section 20 of this chapter
 6 must make insurance available to a foster youth who:

7 (1) is at least sixteen (16) years of age and not more than
 8 twenty-three (23) years of age; and

9 (2) is receiving services from the department of child services.

10 (c) An applicant who is a foster youth is responsible for paying
 11 all costs of a policy of automobile insurance issued under
 12 subsection (b). A state or local government agency, foster parent,
 13 or entity providing services to an applicant under a contract or at
 14 the direction of a state or local government agency shall not be
 15 required to pay any costs associated with a policy of automobile
 16 insurance issued under subsection (b) and shall not be liable for
 17 any damages that result from the foster youth's operation of an
 18 automobile owned and insured by the foster youth.

19 SECTION 3. IC 31-26-4.5 IS ADDED TO THE INDIANA CODE
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2022]:

22 **Chapter 4.5. Insuring Foster Youth Trust Program**

23 **Sec. 1. (a) The insuring foster youth trust program is established**
 24 **under this chapter to recognize that:**

25 (1) foster youth have limited access to resources as they begin
 26 to age out of the system;

27 (2) foster youth require additional resources as they begin to
 28 age out of the system to ensure a successful transition to
 29 adulthood;

30 (3) ensuring that foster youth can afford automobile
 31 insurance is paramount to the successful transition of a foster
 32 youth to adulthood; and

33 (4) providing funding to defray the cost of automobile
 34 insurance will drastically increase the chances of a successful
 35 transition of a foster youth to adulthood.

36 (b) Subject to available funding, the insuring foster youth trust
 37 program shall provide funding to do the following:

38 (1) Defray the cost of automobile insurance coverage for
 39 foster youth.

40 (2) Provide reimbursement for not more than forty-four (44)
 41 of the fifty (50) hours of supervised driving practice for foster
 42 youth.



1 **Sec. 2.** As used in this chapter, "foster youth" refers to an
2 individual currently receiving services from the department who
3 is at least sixteen (16) years of age and not more than twenty-three
4 (23) years of age.

5 **Sec. 3.** As used in this chapter, "fund" refers to the insuring
6 foster youth trust fund established by section 4 of this chapter.

7 **Sec. 4. (a)** The insuring foster youth trust fund is established to
8 carry out the purposes of this chapter.

9 **(b)** The fund consists of the following:

10 **(1)** Appropriations made by the general assembly.

11 **(2)** Interest as provided in subsection (f).

12 **(3)** Fees collected from an insuring foster youth trust license
13 plate, if one is issued under IC 9-18.5.

14 **(4)** Money received pursuant to subsection (c).

15 **(5)** Money donated to the fund, including donations from a
16 nonprofit subsidiary corporation established under section 8
17 of this chapter.

18 **(6)** Money transferred to the fund from other funds.

19 **(c)** The department may apply for all federal funds that are
20 available for which the state is eligible to carry out the purposes of
21 this chapter.

22 **(d)** The department shall administer the fund.

23 **(e)** The expenses of administering the fund and this chapter shall
24 be paid from the fund.

25 **(f)** The treasurer of state shall invest the money in the fund not
26 currently needed to meet the obligations of the fund in the same
27 manner as other public trust funds are invested. Interest that
28 accrues from these investments shall be deposited in the fund.

29 **(g)** Money in the fund is continuously appropriated for the
30 purposes of the fund.

31 **Sec. 5. (a)** Money in the fund may be used to provide payments
32 to foster youth who are at least sixteen (16) years of age and not
33 more than twenty-three (23) years of age for the purposes set forth
34 in section 1(b) of this chapter.

35 **(b)** Money in the fund may not be granted to a state or local unit
36 of government.

37 **Sec. 6.** Before October 1 of each year, the department shall
38 prepare a report to the general assembly in an electronic format
39 under IC 5-14-6 regarding the funds received and payments made
40 by the fund.

41 **Sec. 7.** The department may adopt rules under IC 4-22-2 to
42 implement this chapter.



1 **Sec. 8. The department may establish a nonprofit subsidiary**
2 **corporation that is exempt from federal income taxation under**
3 **Section 501(c)(3) of the Internal Revenue Code to solicit and accept**
4 **private funding, gifts, donations, bequests, devises, and**
5 **contributions.**

6 SECTION 4. IC 34-30-2-106.4 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2022]: **Sec. 106.4. IC 27-1-22-20.1**
9 **(Concerning the department of insurance, and liability of a state or**
10 **local government agency, foster parent, or entity providing**
11 **services to a foster youth for costs and damages associated with the**
12 **foster youth's application for automobile insurance).**



COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill No. 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 18, delete "(a)".

Page 6, delete lines 30 through 34, begin a new paragraph and insert:

"SECTION 8. IC 27-1-22-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 20.1. (a) For the purposes of this section, an individual is a "foster youth" if:**

(1) the department of child services; or

(2) a designee of the department of child services;

certifies or acknowledges that the individual is receiving foster care (as defined in IC 31-28-3-2).

(b) An agreement entered into under section 20 of this chapter must make insurance available to a foster youth who:

(1) is at least sixteen (16) years of age and not more than twenty-three (23) years of age; and

(2) is receiving services from the department of child services."

Page 6, line 36, delete "subsection (a)," and insert "**section 20 of this chapter,**".

Page 7, line 7, after "from the" insert "**foster youth's**".

Page 7, line 7, after "owned" insert "**and insured**".

Page 7, line 28, delete "27-1-22-20;" and insert "**27-1-22-20.1;**".

Page 7, line 31, delete "27-1-22-20(c)(2)." and insert "**27-1-22-20.1(c)(2).**".

Page 8, line 8, delete "27-1-22-20;" and insert "**27-1-22-20.1;**".

Page 8, line 11, delete "27-1-22-20(c)(2)." and insert "**27-1-22-20.1(c)(2).**".

Page 12, line 32, delete "27-1-22-20" and insert "**27-1-22-20.1**".

Renumber all SECTIONS consecutively.



and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 246 as introduced.)

ZAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 5, line 10, delete "The final design of the plate must".

Page 5, delete line 11.

Page 5, delete lines 31 through 35, begin a new paragraph and insert:

"(b) The annual fee referred to in subsection (a)(2) shall be collected by the commission and deposited in the insuring foster youth fund established by IC 31-26-4.5-4."

Page 6, line 2, delete "is responsible for paying" and insert "**shall pay**".

Page 7, delete lines 41 through 42.

Page 8, delete lines 1 through 5.

Page 8, line 6, delete "Sec. 3." and insert "**Sec. 2.**".

Page 8, line 10, delete "Sec. 4." and insert "**Sec. 3.**".

Page 8, line 11, delete "section 11" and insert "**section 4**".

Page 8, delete lines 12 through 42.

Delete page 9.

Page 10, delete lines 1 through 9.

Page 10, line 10, delete "Sec. 11." and insert "**Sec. 4.**".

Page 10, line 19, delete "section 16" and insert "**section 8**".

Page 10, line 22, delete "board" and insert "**department of insurance or department of child services**".

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Page 10, line 25, delete "treasurer of state" and insert "**department of insurance**".

Page 10, delete lines 32 through 41, begin a new paragraph and insert:

"(g) Money in the fund is continuously appropriated for the purposes of the fund."

Page 10, line 42, delete "Sec. 12." and insert "**Sec. 5.**".

Page 11, line 3, delete "section 5(b)" and insert "**section 1(b)**".

Page 11, delete lines 4 through 12.

Page 11, line 13, delete "(c)" and insert "**(b)**".

Page 11, delete lines 15 through 32.

Page 11, line 33, delete "Sec. 14." and insert "**Sec. 6.**".

Page 11, line 33, delete "board" and insert "**department of insurance**".

Page 11, line 37, delete "Sec. 15." and insert "**Sec. 7.**".

Page 11, line 39, delete "Sec. 16. (a) Subject to subsection (b), the board" and insert "**Sec. 8. The department of insurance**".

Page 12, delete lines 2 through 38.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 246 as printed January 13, 2022.)

MISHLER, Chairperson

Committee Vote: Yeas 13, Nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions and Insurance, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 37.

Page 4, line 6, after "insurance," insert "**and**".

Page 4, line 15, delete "care" and insert "**care.**".

Page 4, delete line 16.

Page 4, delete lines 29 through 37, begin a new paragraph and

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insert:

"(d) An applicant who is a foster youth is responsible for paying all costs of a policy of automobile insurance issued under subsection (b). A state or local government agency, foster parent, or entity providing services to an applicant under a contract or at the direction of a state or local government agency shall not be required to pay any costs associated with a policy of automobile insurance issued under subsection (b) and shall not be liable for any damages that result from the foster youth's operation of an automobile owned and insured by the foster youth."

Page 5, delete lines 31 through 32, begin a new line block indented and insert:

"(3) Fees collected from an insuring foster youth trust license plate, if one is issued under IC 9-18.5."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 246 as printed January 21, 2022.)

CARBAUGH

Committee Vote: yeas 13, nays 0.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 246, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "methods," and insert "methods."

Page 1, line 10, strike "and".

Page 1, line 10, delete "the" and insert "**The**".

Page 1, line 16, delete "the".

Page 2, delete lines 10 through 16.

Page 2, line 17, delete "(d)" and insert "(c)".

Page 3, line 1, delete "The" and insert "**Subject to available funding, the**".

Page 3, line 2, delete "to:" and insert "**to do the following:**".

Page 3, line 3, delete "defray" and insert "**Defray**".

Page 3, line 3, after "foster" insert "**youth**".

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Page 3, delete line 4.
Page 3, line 5, delete "provide" and insert "**Provide**".
Page 3, line 6, after "foster" insert "**youth.**".
Page 3, delete line 7.
Page 3, line 26, delete "department of insurance or".
Page 3, line 26, delete "of child services".
Page 3, line 29, delete "of insurance".
Page 4, line 2, after "department" delete "of".
Page 4, line 3, delete "insurance".
Page 4, line 8, delete "of insurance".

and when so amended that said bill do pass.

(Reference is to ESB 246 as printed February 8, 2022.)

BROWN T

Committee Vote: yeas 23, nays 0.

