

# HOUSE BILL No. 1089

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-43-6.5; IC 35-43-6.6.

**Synopsis:** Motor vehicle and watercraft fraud. Reenacts the crime of motor vehicle and watercraft fraud. (These provisions were repealed in HEA 1115-2021.) Increases the penalty for motor vehicle and watercraft fraud to a Level 5 felony for a person with a prior conviction of motor vehicle and watercraft fraud. Makes a technical correction to remove the "empty" chapter.

**Effective:** July 1, 2022.

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## Olthoff

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January 4, 2022, read first time and referred to Committee on Courts and Criminal Code.

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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.

# HOUSE BILL No. 1089



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1           SECTION 1. IC 35-43-6.5 IS REPEALED [EFFECTIVE JULY 1,  
2           2022]. (Motor Vehicle and Watercraft Fraud).  
3           SECTION 2. IC 35-43-6.6 IS ADDED TO THE INDIANA CODE  
4           AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
5           JULY 1, 2022]:  
6           **Chapter 6.6. Motor Vehicle and Watercraft Fraud**  
7           **Sec. 1. (a) A person that sells or offers for sale a vehicle, a**  
8           **vehicle part, or a watercraft knowing that an identification number**  
9           **or certificate of title of the vehicle, vehicle part, or watercraft has**  
10          **been:**  
11                **(1) destroyed;**  
12                **(2) removed;**  
13                **(3) altered;**  
14                **(4) covered; or**  
15                **(5) defaced;**  
16          **commits a Class A misdemeanor. However, the offense is a Level**  
17          **6 felony if the aggregate fair market value of all vehicles, vehicle**



1 parts, and watercraft sold or offered for sale is at least seven  
 2 hundred fifty dollars (\$750) and less than fifty thousand dollars  
 3 (\$50,000), and a Level 5 felony if the person has a prior conviction  
 4 under this section or the aggregate fair market value of all vehicles,  
 5 vehicle parts, and watercraft sold or offered for sale is at least fifty  
 6 thousand dollars (\$50,000).

7 (b) Subsection (c) does not apply to a person that manufactures  
 8 or installs a plate or label containing an original identification  
 9 number:

10 (1) in a program authorized by a manufacturer of motor  
 11 vehicles or motor vehicle parts; or

12 (2) as authorized by the bureau under IC 9-17-4.

13 (c) A person that knowingly or intentionally possesses a plate or  
 14 label that:

15 (1) contains an identification number; and

16 (2) is not attached to the motor vehicle or motor vehicle part  
 17 to which the identification number was assigned by the  
 18 manufacturer or governmental entity;

19 commits a Class A misdemeanor, except as provided in subsection  
 20 (d).

21 (d) The offense described in subsection (c) is a:

22 (1) Level 6 felony if:

23 (A) the person possesses more than one (1) plate or label  
 24 and the plates or labels are not attached to a motor vehicle  
 25 or motor vehicle parts; or

26 (B) the aggregate fair market value of all plates and labels,  
 27 and of all motor vehicles and motor vehicle parts to which  
 28 the plates or labels are wrongfully attached, is at least  
 29 seven hundred fifty dollars (\$750) and less than fifty  
 30 thousand dollars (\$50,000); and

31 (2) Level 5 felony if the person has a prior conviction under  
 32 this section or the aggregate fair market value of all plates or  
 33 labels, and of all motor vehicles and motor vehicle parts to  
 34 which the plate or label is wrongfully attached, is at least fifty  
 35 thousand dollars (\$50,000).

36 (e) A person that knowingly:

37 (1) damages;

38 (2) removes; or

39 (3) alters;

40 an original or special identification number commits a Level 6  
 41 felony. However, the offense is a Level 5 felony if the person has a  
 42 prior conviction under this section.



1           **(f) A person who counterfeits or falsely reproduces a certificate**  
 2 **of title for a motor vehicle, semitrailer, or recreational vehicle with**  
 3 **intent to:**

4           **(1) use the certificate of title; or**

5           **(2) permit another person to use the certificate of title;**

6 **commits a Class A misdemeanor. However, the offense is a Level**  
 7 **6 felony if the aggregate fair market value of all motor vehicles,**  
 8 **semitrailers, and recreational vehicles for which the person**  
 9 **counterfeits or falsely reproduces a certificate of title is at least**  
 10 **seven hundred fifty dollars (\$750) and less than fifty thousand**  
 11 **dollars (\$50,000), and a Level 5 felony if the person has a prior**  
 12 **conviction under this section or the aggregate fair market value of**  
 13 **all motor vehicles, semitrailers, and recreational vehicles for which**  
 14 **the person counterfeits or falsely reproduces a certificate of title is**  
 15 **at least fifty thousand dollars (\$50,000).**

16           **Sec. 2. (a) A person who, with the intent to defraud:**

17           **(1) advertises for sale;**

18           **(2) sells;**

19           **(3) uses; or**

20           **(4) installs;**

21 **any device that causes an odometer to register mileage other than**  
 22 **the mileage driven by the vehicle as registered by the odometer**  
 23 **within the manufacturer's designed tolerance commits a Level 6**  
 24 **felony. However, the offense is a Level 5 felony if the person has a**  
 25 **prior conviction under this section.**

26           **(b) A person who, with the intent to defraud:**

27           **(1) disconnects, resets, or alters the odometer of any motor**  
 28 **vehicle with intent to change the number of miles or**  
 29 **kilometers indicated on the odometer; or**

30           **(2) sells a motor vehicle that has a broken odometer or an**  
 31 **odometer that does not display correct mileage of the vehicle;**

32 **commits a Level 6 felony. However, the offense is a Level 5 felony**  
 33 **if the person has a prior conviction under this section.**

