

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1095

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 9-14-12-2, AS ADDED BY P.L.198-2016, SECTION 192, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. The bureau shall maintain the following records:

- (1) All records related to or concerning certificates of title issued by the bureau under IC 9-17 and IC 9-31, including the following:
 - (A) An original certificate of title and all assignments and reissues of the certificate of title.
 - (B) All documents submitted in support of an application for a certificate of title.
 - (C) Any notations ~~affixed to~~ **recorded on** a certificate of title.
 - (D) A listing of all reported buyback vehicles in accordance with IC 9-17-3-3.5.
 - (E) Any inspection that is conducted:
 - (i) by an employee of the bureau or commission; and
 - (ii) with respect to a certificate of title issued by the bureau.
- (2) All records related to or concerning registrations issued under IC 9-18 (before its expiration), IC 9-18.1, or IC 9-31, including the following:
 - (A) The distinctive registration number assigned to each vehicle registered under IC 9-18 (before its expiration) or IC 9-18.1 or each watercraft registered under IC 9-31.

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(B) All documents submitted in support of applications for registration.

(3) All records related to or concerning credentials issued by the bureau under IC 9-24, including applications and information submitted by applicants.

(4) All driving records maintained by the bureau under section 3 of this chapter.

(5) A record of each individual that acknowledges making an anatomical gift as set forth in IC 9-24-17.

SECTION 2. IC 9-17-2-4, AS AMENDED BY P.L.198-2016, SECTION 204, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) An application for a certificate of title for a vehicle for which a certificate of title has been issued previously must be accompanied by the previously issued certificate of title.

(b) An application for a certificate of title for a vehicle for which a certificate of title has not been issued previously must be accompanied by the following:

(1) If the vehicle is in Indiana, a manufacturer's certificate of origin as provided in IC 9-32-5-3.

(2) If the vehicle is brought into Indiana from another state, the following:

(A) A sworn bill of sale or dealer's invoice fully describing the vehicle.

(B) The most recent registration receipt issued for the vehicle.

(C) Any other information that the bureau requires to establish ownership.

(c) A certificate of title may be possessed either in printed form or electronic form.

SECTION 3. IC 9-17-2-14.5, AS AMENDED BY P.L.256-2017, SECTION 102, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 14.5. (a) The bureau may:

(1) make investigations or require additional information; and

(2) reject an application or request;

if the bureau is not satisfied of the genuineness, regularity, or legality of an application or the truth of a statement in an application, or for any other reason.

(b) If the bureau is satisfied that the person applying for a certificate of title for a vehicle is the owner of the vehicle, the bureau shall issue a certificate of title for the vehicle after the person pays the applicable fee under subsection (c) or (d).

(c) The fee for a certificate of title for a vehicle other than a

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watercraft is fifteen dollars (\$15). Except as provided in subsection (e), the fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 - (2) To the motor vehicle highway account as follows:
 - (A) For a title issued before January 1, 2017, one dollar (\$1).
 - (B) For a title issued after December 31, 2016, three dollars and twenty-five cents (\$3.25).
 - (3) For a title issued before January 1, 2017, three dollars (\$3) to the highway, road and street fund.
 - (4) Five dollars (\$5) to the crossroads 2000 fund.
 - (5) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (6) To the commission fund as follows:
 - (A) For a title issued before January 1, 2017, four dollars and twenty-five cents (\$4.25).
 - (B) For a title issued after December 31, 2016, five dollars (\$5).
- (d) The fee for a certificate of title for a watercraft is as follows:
- (1) For a certificate of title issued before January 1, 2017, fifteen dollars and fifty cents (\$15.50). The fee shall be distributed as follows:
 - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 - (B) Two dollars (\$2) to the crossroads 2000 fund.
 - (C) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (D) Four dollars and seventy-five cents (\$4.75) to the commission fund.
 - (E) Seven dollars (\$7) to the department of natural resources.
 - (2) For a certificate of title issued after December 31, 2016, fifteen dollars (\$15). The fee shall be distributed as follows:
 - (A) Fifty cents (\$0.50) to the state motor vehicle technology fund.
 - (B) Three dollars and twenty-five cents (\$3.25) to the motor vehicle highway account.
 - (C) Five dollars (\$5) to the crossroads 2000 fund.
 - (D) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
 - (E) Five dollars (\$5) to the commission fund.
- (e) Fees paid by dealers under this section shall be deposited in the motor vehicle odometer fund.
- (f) **Except as provided in subsection (g)**, the bureau shall deliver

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a certificate of title:

- (1) to the person that owns the vehicle for which the certificate of title was issued, if no lien or encumbrance appears on the certificate of title; or
- (2) if a lien or an encumbrance appears on the certificate of title, to the person that holds the lien or encumbrance as set forth in the application for the certificate of title.

(g) If a certificate of title is maintained electronically by the bureau, the bureau is not required to physically deliver the certificate of title but shall provide electronic notification:

- (1) to the person who owns the vehicle for which the certificate of title was issued, if no lien or encumbrance appears on the certificate of title; or**
- (2) if a lien or an encumbrance appears on the certificate of title, to the person that holds the lien or an encumbrance as set forth in the application for the certificate of title.**

SECTION 4. IC 9-17-3-0.5 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 0.5: As used in this chapter, "third party" means a person having possession of a certificate of title for a vehicle because the person has a lien or an encumbrance indicated on the certificate of title.

SECTION 5. IC 9-17-3-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 0.6. As used in this chapter, "transferring party" means a person that:

- (1) is listed on the certificate of title as the owner of the vehicle; or**
- (2) is acting as an agent of the owner and holds power of attorney for the owner of the vehicle.**

SECTION 6. IC 9-17-3-2, AS AMENDED BY P.L.256-2017, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) If a certificate of title:

- (1) is lost or stolen;
- (2) is mutilated;
- (3) is destroyed; or
- (4) becomes illegible;

the person that owns the vehicle or the legal representative or legal successor in interest of the person that owns the vehicle for which the certificate of title was issued, as shown by the records of the bureau, shall apply for and may obtain a duplicate certificate of title.

(b) To obtain a duplicate certificate of title under subsection (a), a person must:

- (1) furnish information satisfactory to the bureau concerning the

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loss, theft, mutilation, destruction, or illegibility of the certificate of title; and

(2) pay the applicable fee under subsection (e) or (f).

(c) The word "duplicate" shall be **printed or stamped in ink on the face of a notated on the** certificate of title issued under this section.

(d) When a duplicate certificate of title is issued, the previous certificate of title becomes void.

(e) The fee for a duplicate certificate of title issued before January 1, 2017, for a vehicle other than a watercraft is eight dollars (\$8). The fee shall be distributed as follows:

- (1) One dollar (\$1) to the motor vehicle highway account.
- (2) One dollar (\$1) to the highway, road and street fund.
- (3) Six dollars (\$6) to the commission fund.

(f) The fee for a duplicate certificate of title issued before January 1, 2017, for a watercraft is fifteen dollars and fifty cents (\$15.50). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) Two dollars (\$2) to the crossroads 2000 fund.
- (3) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (4) Four dollars and seventy-five cents (\$4.75) to the commission fund.
- (5) Seven dollars (\$7) to the department of natural resources.

(g) The fee for a duplicate certificate of title issued after December 31, 2016, is fifteen dollars (\$15). The fee shall be distributed as follows:

- (1) Fifty cents (\$0.50) to the state motor vehicle technology fund.
- (2) One dollar and twenty-five cents (\$1.25) to the department of natural resources.
- (3) Three dollars and twenty-five cents (\$3.25) to the motor vehicle highway account.
- (4) Five dollars (\$5) to the crossroads 2000 fund.
- (5) One dollar and twenty-five cents (\$1.25) to the integrated public safety communications fund.
- (6) Three dollars and seventy-five cents (\$3.75) to the commission fund.

SECTION 7. IC 9-17-3-3.2, AS AMENDED BY P.L.198-2016, SECTION 223, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.2. (a) When a certificate of title is available and a vehicle is sold or transferred to a person other than a dealer licensed under IC 9-32, the ~~seller or transferor~~ **transferring party** shall fill in all blanks on the certificate of title relating to buyer

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information, including the sale price.

(b) The failure of the ~~seller or transferor~~ **transferring party** to fill in all buyer information is a Class B infraction.

SECTION 8. IC 9-17-3-3.4, AS AMENDED BY P.L.3-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.4. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under section 9 of this chapter, the ~~person who holds the certificate of title~~ **transferring party** must do the following:

(1) Endorse ~~on~~ the certificate of title ~~an assignment of by~~ **assigning** the certificate of title with warranty of title, in a ~~form printed on the certificate of title~~ **form approved by the bureau**, with a statement describing all liens or encumbrances on the vehicle.

(2) Deliver ~~or transmit~~ the certificate of title to the purchaser or transferee at the time of the sale or delivery to the purchaser or transferee of the vehicle, if the purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(3) Unless the vehicle is being sold or transferred to a dealer licensed under IC 9-32, complete all information concerning the purchase on the certificate of title, including, but not limited to:

(A) the name and address of the purchaser; and

(B) the sale price of the vehicle.

(b) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the ~~person selling or delivering the vehicle~~ **transferring party** must deliver ~~or transmit~~ to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(c) The original certificate of title and all assignments and subsequent reissues of the certificate of title shall be retained by the bureau and appropriately classified and indexed in the most convenient manner to trace title to the vehicle described in the certificate of title.

(d) A person who violates subsection (a)(1) or (a)(3) commits a Class B infraction.

(e) After a person delivers ~~or transmits~~ a certificate of title to a purchaser or transferee under subsection (a)(2), the person may deliver the certificate of registration of the vehicle to the bureau under IC 9-18.1-4-6 to have the transfer of ownership of the vehicle indicated in the records of the bureau.

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SECTION 9. IC 9-17-3-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.5. (a) This section applies to a vehicle for which a certificate of title is required to be obtained under IC 24-5-13.5-12.

(b) The bureau shall do the following:

(1) For a subsequent request for a new certificate of title for a buyback vehicle, whether titled in Indiana or any other state, cause the words "Manufacturer Buyback – Disclosure on File" to appear on ~~the face of~~ the new certificate of title.

(2) Maintain a listing of all reported buyback vehicles in accordance with this section, maintain a record of the disclosure document required by IC 24-5-13.5-10(3), and allow access to the listing and disclosure document upon written application.

SECTION 10. IC 9-17-3-9, AS AMENDED BY P.L.79-2017, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. (a) The owner or owners of a vehicle may create an interest in the vehicle that is transferrable on the death of the owner or owners by obtaining a certificate of title conveying the interest in the vehicle to one (1) or more persons as transfer on death beneficiaries.

(b) Subject to subsection (e), an interest in a vehicle transferred under this section vests upon the death of the owner or owners.

(c) A certificate of title that is:

(1) worded in substance as "A.B. transfers on death to C.D." or "A.B. and C.D. transfer on death to E.F."; and

(2) signed by the owner or owners;

is a good and sufficient conveyance on the death of the owner or owners to the transferee or transferees.

(d) A certificate of title obtained under this section is not required to be:

(1) supported by consideration; or

(2) delivered **or transmitted** to the named transfer on death beneficiary or beneficiaries;

to be effective.

(e) Upon the death of the owner or owners conveying an interest in a vehicle in a certificate of title obtained under this section, the interest in the vehicle is transferred to each beneficiary who is described by either of the following:

(1) The beneficiary:

(A) is named in the certificate; and

(B) survives the transferor.

(2) The beneficiary:

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- (A) survives the transferor; and
- (B) is entitled to an interest in the vehicle under IC 32-17-14-22 following the death of a beneficiary who:
 - (i) is named in the certificate; and
 - (ii) did not survive the transferor.

(f) A certificate of title designating a transfer on death beneficiary is not testamentary.

(g) In general, IC 32-17-14 applies to a certificate of title designating a transfer on death beneficiary. However, a particular provision of IC 32-17-14 does not apply if it is inconsistent with the requirements of this section or IC 9-17-2-2(b).

SECTION 11. IC 9-17-4-4, AS AMENDED BY P.L.62-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. A certificate of title issued under this chapter must contain the following:

- (1) A description and other evidence of identification of the vehicle as required by the bureau.
- (2) A statement of any liens or encumbrances that the application shows to be on the certificate of title.
- (3) The appropriate notation prominently recorded on ~~the front of~~ the title as follows:
 - (A) For a vehicle that is assembled using all new or used vehicle parts (other than a specialty constructed vehicle described in clause (C)), "RECONSTRUCTED VEHICLE".
 - (B) For a vehicle assembled using a salvage vehicle or parts, "REBUILT".
 - (C) For a vehicle:
 - (i) with a body built to resemble and be a reproduction of another vehicle of a given year that was manufactured at least twenty-five (25) years in the past; and
 - (ii) that is assembled using all new or used parts;
 "SPECIALTY CONSTRUCTED VEHICLE".

SECTION 12. IC 9-17-5-1, AS AMENDED BY P.L.198-2016, SECTION 239, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) **Except as provided in subsection (b)**, a person having **physical** possession of a certificate of title for a vehicle because the person has a lien or an encumbrance on the vehicle must:

- (1) **note the discharge on the certificate of title over the signature of the holder of the lien or encumbrance; and**
- (2) deliver not more than ten (10) business days after receipt of the **final** payment **for** the satisfaction or discharge of the lien or

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encumbrance indicated upon the certificate of title to the person that:

(1) (A) is listed on the certificate of title as owner of the vehicle; or

(2) (B) is acting as an agent of the owner and that holds power of attorney for the owner of the vehicle.

(b) A person having a lien or encumbrance on a vehicle for which the certificate of title is electronically recorded shall electronically release the lien or encumbrance not more than ten (10) days after the receipt of the final payment for the satisfaction or discharge of the lien or encumbrance. The electronic lien or encumbrance release referenced in this subsection constitutes notice to the bureau that the lien or encumbrance has been satisfied or discharged.

(c) A person having a lien or encumbrance on a vehicle for which the certificate of title is electronically recorded shall notify the person:

(1) who is listed on the certificate of title as owner of the vehicle; or

(2) who:

(A) is acting as an agent of the owner; and

(B) holds power of attorney for the owner of the vehicle; of the release of the lien or encumbrance not more than ten (10) business days after receipt of the final payment for the satisfaction or discharge of the lien or encumbrance.

(d) A notice under subsection (c) must include:

(1) the date the satisfaction or discharge of the lien or encumbrance occurred; and

(2) the name and address of the person:

(A) who is listed on the certificate of title as owner of the vehicle; or

(B) who:

(i) is acting as an agent of the owner; and

(ii) holds power of attorney for the owner of the vehicle.

(e) When the bureau receives notice under subsection (b), the bureau shall remove the record of the lien or encumbrance from the certificate of title.

~~(b)~~ **(f) A person that:**

(1) fails to remove a lien or encumbrance under subsection (b); or

(2) fails to deliver a certificate of title to the owner of a vehicle fails to notify the owner of a vehicle or the owner's agent



under subsection (c); or

(3) fails to deliver a certificate of title to the owner of a vehicle as required under subsection (a);

as required under subsection (a) commits a Class C infraction.

SECTION 13. IC 9-17-5-5, AS ADDED BY P.L.125-2012, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. (a) A security agreement covering a security interest in a vehicle that is not inventory held for sale can be perfected only if the bureau indicates the security interest on the certificate of title or duplicate. Except as otherwise provided in ~~subsections subsection (b) and (c)~~, and section 1 of this chapter, IC 26-1-9.1 applies to security interests in vehicles.

(b) The secured party, upon presentation to the bureau of a properly completed application for certificate of title together with the fee prescribed, may have a notation of the lien made on ~~the face of~~ the certificate of title to be issued by the bureau. The bureau shall:

- (1) enter the notation and the date of the notation; and
- (2) note the lien and date of lien in the bureau's files.

~~(c) Whenever a lien is discharged, the holder shall note the discharge on the certificate of title over the signature of the holder.~~

SECTION 14. IC 9-22-3-5, AS AMENDED BY P.L.198-2016, SECTION 389, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 5. A certificate of salvage title issued under this chapter must contain the following information:

- (1) The same vehicle information as a certificate of title issued by the bureau.
- (2) The notation "SALVAGE TITLE" prominently recorded on ~~the front of~~ the title.
- (3) If the motor vehicle is a flood damaged vehicle, the notation "FLOOD DAMAGED" prominently recorded on ~~the front of~~ the title.

SECTION 15. IC 9-22-3-10, AS AMENDED BY P.L.198-2016, SECTION 394, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 10. (a) If a certificate of salvage title is lost, mutilated, or destroyed or becomes illegible, the person that owns the vehicle or the legal representative or legal successor in interest of the person that owns the vehicle for which the certificate of salvage title was issued, as shown by the records of the bureau, shall apply for a duplicate certificate of salvage title.

(b) A person described in subsection (a) may obtain a duplicate certificate of salvage title when the person furnishes information concerning the loss, mutilation, destruction, or illegibility satisfactory

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to the bureau and pays a salvage title fee of four dollars (\$4). The fee shall be deposited in the motor vehicle highway account.

(c) Upon the issuance of a duplicate certificate of salvage title, the most recent certificate of salvage title issued is considered void by the bureau.

(d) A certificate of salvage title issued under this section must have **prominently** recorded ~~upon~~ ~~on the title's front title~~ the words "DUPLICATE SALVAGE TITLE".

(e) If the lost, mutilated, destroyed, or illegible certificate of salvage title contained the notation "FLOOD DAMAGED", the duplicate certificate of salvage title must have **prominently** recorded ~~upon~~ ~~on the title's front title~~ the words "FLOOD DAMAGED".

SECTION 16. IC 9-32-4-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2018]: **Sec. 0.5. As used in this chapter, "third party" means a person having possession of a certificate of title for a vehicle because the person has a lien or an encumbrance indicated on the certificate of title.**

SECTION 17. IC 9-32-4-1, AS AMENDED BY P.L.179-2017, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 1. (a) As used in this section, "transferring party" has the meaning set forth in IC 9-17-3-0.6.**

(a) (b) 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~~ **transferring party** must do the following:

(1) In the case of a sale or transfer between dealers licensed by this state or another state, deliver **or transmit** the certificate of title within thirty-one (31) days after the date of the sale or transfer.

(2) Deliver **or transmit** 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~~ **transferring party** is a dealer licensed by the state under this article.

(B) The dealer is not able to deliver **or transmit** 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.

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(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 **or transmission** of the certificate of title with the dealer records.

~~(b)~~ (c) 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)~~ **(b)(1)** or ~~(a)(2)~~ **(b)(2)** at the time of the sale.

~~(c)~~ (d) A dealer that fails to deliver **or transmit** the certificate of title within the time specified under subsection ~~(a)~~ **(b)** 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)~~ (e) 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 **or transmission** of a valid certificate of title and the dealer's failure to deliver **or transmit** 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)~~: **(d)**.

~~(c)~~ (f) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver **or transmit** to the purchaser or transferee with a postmark dated, **electronically 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 **or transmit** a valid certificate of title results from the acts or omissions of a third party that has failed to timely

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deliver **or transmit** 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 **or transmit** a valid certificate of title results from the acts or omissions of a third party that has failed to timely deliver **or transmit** 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.

~~(g)~~ **(g)** 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 **or transmit** 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)~~ **(h)** 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)~~ **(i)** Except as provided in subsection ~~(i)~~ **(j)**, a person that violates this section commits a Class C infraction.

~~(i)~~ **(j)** A person that knowingly or intentionally violates subsection ~~(a)(1), (a)(2), or (b)(1), (b)(2), or (e)~~ commits a Class B misdemeanor.

~~(j)~~ **(k)** For purposes of this section, "deliver **or transmit** the certificate of title" means to deliver **or transmit** the certificate of title to the purchaser or transferee by postmark dated mail, certified mail with return receipt, **electronic transmission through the bureau's file system**, or hand delivery.

SECTION 18. IC 9-32-4-2, AS AMENDED BY P.L.179-2017, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. The affidavit required by section ~~1(a)(2)(C)~~ **1(b)(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.

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(2) That I cannot deliver **or transmit** 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 **or transmit** 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 **or transmission** of a valid certificate of title and after the dealer's failure to deliver **or transmit** 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 **or transmit** 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 **or transmit** 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 **or transmit** 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 19. IC 9-32-5-8, AS AMENDED BY P.L.151-2015, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2018]: Sec. 8. A dealer shall deliver **or transmit** an assigned certificate of title or certificate of origin to a person entitled to the certificate of title or certificate of origin.

SECTION 20. IC 9-32-6-11, AS AMENDED BY P.L.198-2016, SECTION 626, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) The secretary may issue an interim license plate to a dealer that is licensed and has been issued a license plate under section 2 of this chapter.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. However, an interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) A dealer may provide a person with an interim license plate issued by the secretary when the dealer:

- (1) sells or leases a motor vehicle to the person; or
- (2) allows a person that buys a motor vehicle to take delivery of the motor vehicle before the sale of the motor vehicle is fully funded.

The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a person to operate the motor vehicle until the earlier of the following dates:

- (1) Forty-five (45) days after the date of sale or lease of the motor vehicle to the person.
- (2) The date on which a regular license plate is issued.

A person that violates this subsection commits a Class A infraction.

(e) A motor vehicle that is required by law to display license plates on the front and rear of the motor vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

- (1) in the same manner required in IC 9-18-2-26 (before its expiration) or IC 9-18.1-4-3; or
- (2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the person at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

(i) The fee for an interim dealer license plate is three dollars (\$3).

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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.

(j) The secretary may issue an interim license plate to a person that purchases a motor vehicle from a dealer if the dealer has not timely delivered **or transmitted** the certificate of title for the motor vehicle under IC 9-32-4-1.

(k) The secretary may design and issue to a dealer a motor driven cycle decal to be used in conjunction with an interim license plate upon the sale of a motor driven cycle.

(l) A new motor vehicle dealer may issue an interim license plate for use on a motor vehicle that the new motor vehicle dealer delivers to a purchaser under a written courtesy agreement between the new motor vehicle dealer and another new motor vehicle dealer or manufacturer with whom the new motor vehicle dealer has a franchise agreement. A person that violates this subsection commits a Class C infraction.

(m) A person that fails to display an interim license plate as prescribed in subsection (f)(1) or (f)(2) commits a Class C infraction.

SECTION 21. IC 9-32-7-2, AS ADDED BY P.L.92-2013, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) The dealer enforcement account is established as a separate account to be administered by the secretary.

(b) The dealer enforcement account consists of money deposited pursuant to:

- (1) ~~IC 9-32-4-1(c)~~; **IC 9-32-4-1(d)**;
- (2) IC 9-32-16-1(f);
- (3) IC 9-32-16-13(d);
- (4) IC 9-32-17-7; and
- (5) IC 9-32-17-9.

The funds in the account shall be available, with the approval of the budget agency, for use to augment and supplement the funds appropriated for the administration of this article.

(c) The treasurer of state shall invest the money in the dealer enforcement 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 into the account.

(d) Money in the dealer enforcement account at the end of the state

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fiscal year does not revert to the state general fund.

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

SECTION 22. IC 9-32-17-7, AS ADDED BY P.L.262-2013, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. A person who fails to deliver **or transmit** a certificate of origin or title under IC 9-32-5-2 or IC 9-32-5-8 or fails to deliver **or transmit** timely a certificate of title under ~~IC 9-32-4-1(c)~~ **IC 9-32-4-1(d)** 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.

SECTION 23. IC 24-5-13.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 12. A manufacturer who accepts return of a motor vehicle that is considered a buyback vehicle under this chapter shall do the following:

- (1) Before transferring ownership of the buyback vehicle, ~~stamp the words~~ **place the notation** "Manufacturer Buyback – Disclosure on File" on ~~the face of~~ the original certificate of title.
- (2) Not more than thirty-one (31) days after receipt of the certificate of title, apply to the bureau for a certificate of title in the name of the manufacturer and provide to the bureau a copy of the disclosure document required by section 10(3) of this chapter.



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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