



February 16, 2022

ENGROSSED HOUSE BILL No. 1167

DIGEST OF HB 1167 (Updated February 15, 2022 10:41 am - DI 143)

Citations Affected: IC 6-1.1; IC 8-2.1; IC 9-14; IC 9-14.1; IC 9-17; IC 9-18.5; IC 9-21; IC 9-22; IC 9-24; IC 9-30; IC 9-32.

Synopsis: Bureau of motor vehicles. Allows an advanced practice registered nurse to sign certain health documents concerning driving privileges. Requires the bureau of motor vehicles (bureau) to establish and maintain an audit working group. Provides that meetings of the audit working group are not subject to open door laws. Provides that the bureau, rather than the state board of accounts, is required to conduct an audit of each license branch. Amends certain dates regarding the statewide electronic lien and title system (system). Removes system provisions concerning qualified service provider payments, participation notification, and annual fees. Provides that the bureau and participating qualified service providers or lienholders may charge certain system fees. Amends dates concerning the voluntary or required use of the system. Requires the bureau to distribute at least one time each month the fees collected and deposited from certain
(Continued next page)

Effective: Upon passage; July 1, 2022.

Pressel, Saunders

(SENATE SPONSORS — CRIDER, GARTEN)

January 6, 2022, read first time and referred to Committee on Roads and Transportation.
January 13, 2022, amended, reported — Do Pass.
January 24, 2022, read second time, amended, ordered engrossed.
January 25, 2022, engrossed. Read third time, passed. Yeas 81, nays 9.

SENATE ACTION

February 2, 2022, read first time and referred to Committee on Homeland Security and Transportation.
February 15, 2022, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

EH 1167—LS 7095/DI 139



Digest Continued

special group recognition license plates. Repeals the law providing for the Earlham College trust license plate. Provides that interference with highway traffic is considered unreasonable if the interference occurs for more than 10 consecutive minutes except for: (1) machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities; and (2) firefighting apparatus owned or operated by a political subdivision or a volunteer fire department. Provides that a public agency or towing service that obtains the name and address of the owner of or lienholder on a vehicle shall, not later than three business days after obtaining the name and address, notify the owner of the vehicle and any lienholder on the vehicle, as indicated by the certificate of title or as discovered by a search of the National Motor Vehicle Title Information System or an equivalent and commonly available data base. Requires the bureau to process an electronic application for a certificate of authority not more than five business days after the submission of the application if the application meets certain requirements. Provides that an individual is not required to be a citizen of the United States as shown in the records of the bureau to apply for a replacement driver's license or learner's permit by electronic service. Provides that a suspension for failure to satisfy a judgment imposed before December 31, 2021 terminates on December 31, 2024. Removes the requirement that the bureau collect an administrative penalty if a dealer fails to apply for a certificate of title for a motor vehicle that is purchased or acquired in a state that does not have a certificate of title law. Provides that a manufacturer or distributor may not sell or offer to sell, directly or indirectly, a new motor vehicle to the general public in Indiana except through a new motor vehicle dealer holding a franchise for the line make covering the new motor vehicle. Provides that the sales of new motor vehicles by a manufacturer or franchisor to the federal government, a charitable organization, an employee of the manufacturer or distributor, or a manufacturer or distributor under certain conditions. Makes technical corrections.

EH 1167—LS 7095/DI 139



February 16, 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 HOUSE BILL No. 1167

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

- 1 SECTION 1. IC 6-1.1-7-10, AS AMENDED BY P.L.235-2017,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 10. (a) This section does not apply to a mobile
4 home that is offered for sale at auction under IC 9-22-1.5, IC 9-22-1.7,
5 or IC 6-1.1-23.5 for the transfer resulting from the auction.
6 **(b) As used in this section, "official seal" has the meaning set
7 forth in IC 33-42-0.5-21.**
8 ~~(b)~~ (c) A mobile home may not be moved from one (1) location to
9 another unless the owner or the owner's agent obtains a permit to move
10 the mobile home from the county treasurer.
11 ~~(c)~~ (d) The bureau of motor vehicles may not:
12 (1) transfer the title to a mobile home; or
13 (2) change names in any manner on the title to a mobile home;
14 unless the owner or the owner's agent holds a valid permit to transfer
15 the title that was issued by the county treasurer and includes the county
16 treasurer's **embossed official** seal.
17 ~~(d)~~ (e) A county treasurer shall issue a permit which is required to

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1 either move, or transfer the title to, a mobile home if the taxes, special
 2 assessments, interest, penalties, judgments, and costs that are due and
 3 payable on the mobile home have been paid and the person requesting
 4 the permit has a state issued title, a court order, or a bureau of motor
 5 vehicles affidavit of sale or disposal. The county treasurer shall issue
 6 the permit not later than two (2) business days (excluding weekends
 7 and holidays) after the date the completed permit application is
 8 received by the county treasurer. The permit shall state the date it is
 9 issued.

10 ~~(e)~~ (f) After issuing a permit to move a mobile home under
 11 subsection ~~(d)~~, (e), a county treasurer shall notify the township assessor
 12 of the township to which the mobile home will be moved, or the county
 13 assessor if there is no township assessor for the township, that the
 14 permit to move the mobile home has been issued.

15 ~~(f)~~ (g) A permit to move, or transfer title to, a mobile home that is
 16 issued under this section expires ninety (90) days after the date the
 17 permit is issued. The permit is invalid after the permit expires. If the
 18 owner wishes to move, or transfer title to, the mobile home after the
 19 permit has expired, the owner or the owner's agent must obtain a new
 20 permit under this section.

21 ~~(g)~~ (h) A county treasurer is not liable for the county treasurer's
 22 good faith efforts to collect taxes that are due and payable for a mobile
 23 home. Good faith efforts include the refusal to issue a permit under
 24 subsection ~~(d)~~ (e) until all property taxes that are due and payable for
 25 a mobile home are paid to the county treasurer.

26 SECTION 2. IC 6-1.1-7-10.4, AS AMENDED BY P.L.198-2016,
 27 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2022]: Sec. 10.4. (a) This section does not apply to a mobile
 29 home that is offered for sale at auction under IC 9-22-1.5 or
 30 IC 9-22-1.7 for the transfer resulting from the auction.

31 (b) The owner of a mobile home who sells the mobile home to
 32 another person shall provide the purchaser with the permit required by
 33 section ~~10(e)~~ 10(d) of this chapter before the sale is consummated.

34 SECTION 3. IC 8-2.1-24-18, AS AMENDED BY P.L.198-2016,
 35 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2022]: Sec. 18. (a) 49 CFR Parts 40, 375, 380, 382 through
 37 387, 390 through 393, and 395 through 398 are incorporated into
 38 Indiana law by reference, and, except as provided in subsections (d),
 39 (e), (f), (g), and (j), must be complied with by an interstate and
 40 intrastate motor carrier of persons or property throughout Indiana.
 41 Intrastate motor carriers subject to compliance reviews under 49 CFR
 42 385 shall be selected according to criteria determined by the



1 superintendent which must include but are not limited to factors such
 2 as previous history of violations found in roadside compliance checks
 3 and other recorded violations. However, the provisions of 49 CFR 395
 4 that regulate the hours of service of drivers, including requirements for
 5 the maintenance of logs, do not apply to a driver of a truck that is
 6 registered by the bureau of motor vehicles and used as a farm truck
 7 under IC 9-18 (before its expiration) or IC 9-18.1-7 or a vehicle
 8 operated in intrastate construction or construction related service, or
 9 the restoration of public utility services interrupted by an emergency.

10 Except as provided in subsection (i) and (j):

11 (1) intrastate motor carriers not operating under authority issued
 12 by the United States Department of Transportation shall comply
 13 with the requirements of 49 CFR 390.21(b)(3) by registering with
 14 the department of state revenue as an intrastate motor carrier and
 15 displaying the certification number issued by the department of
 16 state revenue preceded by the letters "IN"; and

17 (2) all other requirements of 49 CFR 390.21 apply equally to
 18 interstate and intrastate motor carriers.

19 (b) 49 CFR 107 subpart (F) and subpart (G), 171 through 173, 177
 20 through 178, and 180, are incorporated into Indiana law by reference,
 21 and every:

22 (1) private carrier;

23 (2) common carrier;

24 (3) contract carrier;

25 (4) motor carrier of property, intrastate;

26 (5) hazardous material shipper; and

27 (6) carrier otherwise exempt under section 3 of this chapter;

28 must comply with the federal regulations incorporated under this
 29 subsection, whether engaged in interstate or intrastate commerce.

30 (c) Notwithstanding subsection (b), nonspecification bulk and
 31 nonbulk packaging, including cargo tank motor vehicles, may be used
 32 only if all the following conditions exist:

33 (1) The maximum capacity of the vehicle is less than three
 34 thousand five hundred (3,500) gallons.

35 (2) The shipment of goods is limited to intrastate commerce.

36 (3) The vehicle is used only for the purpose of transporting fuel
 37 oil, kerosene, diesel fuel, gasoline, gasohol, or any combination
 38 of these substances.

39 Maintenance, inspection, and marking requirements of 49 CFR 173.8
 40 and Part 180 are applicable. In accordance with federal hazardous
 41 materials regulations, new or additional nonspecification cargo tank
 42 motor vehicles may not be placed in service under this subsection.



1 (d) For the purpose of enforcing this section, only:

2 (1) a state police officer or state police motor carrier inspector
3 who:

4 (A) has successfully completed a course of instruction
5 approved by the United States Department of Transportation;
6 and

7 (B) maintains an acceptable competency level as established
8 by the state police department; or

9 (2) an employee of a law enforcement agency who:

10 (A) before January 1, 1991, has successfully completed a
11 course of instruction approved by the United States
12 Department of Transportation; and

13 (B) maintains an acceptable competency level as established
14 by the state police department;

15 on the enforcement of 49 CFR, may, upon demand, inspect the books,
16 accounts, papers, records, memoranda, equipment, and premises of any
17 carrier, including a carrier exempt under section 3 of this chapter.

18 (e) A person hired before September 1, 1985, who operates a motor
19 vehicle intrastate incidentally to the person's normal employment duties
20 and who is not employed to operate a motor vehicle for hire is exempt
21 from 49 CFR 391 as incorporated by this section.

22 (f) Notwithstanding any provision of 49 CFR 391 to the contrary, a
23 person at least eighteen (18) years of age and less than twenty-one (21)
24 years of age may be employed as a driver to operate a commercial
25 motor vehicle intrastate. However, a person employed under this
26 subsection is not exempt from any other provision of 49 CFR 391.

27 (g) Notwithstanding subsection (a) or (b), the following provisions
28 of 49 CFR do not apply to private carriers of property operated only in
29 intrastate commerce or any carriers of property operated only in
30 intrastate commerce while employed in construction or construction
31 related service:

32 (1) Subpart 391.41(b)(3) as it applies to physical qualifications of
33 a driver who has been diagnosed as an insulin dependent diabetic,
34 if the driver has applied for and been granted an intrastate
35 medical waiver by the bureau of motor vehicles pursuant to this
36 subsection. The same standards and the following procedures
37 shall apply for this waiver whether or not the driver is required to
38 hold a commercial driver's license. An application for the waiver
39 shall be submitted by the driver and completed and signed by a
40 certified endocrinologist, ~~or~~ the driver's treating physician, **or the**
41 **driver's treating advanced practice registered nurse** attesting
42 that the driver:



- 1 (A) is not otherwise physically disqualified under Subpart
 2 391.41 to operate a motor vehicle, whether or not any
 3 additional disqualifying condition results from the diabetic
 4 condition, and is not likely to suffer any diminution in driving
 5 ability due to the driver's diabetic condition;
- 6 (B) is free of severe hypoglycemia or hypoglycemia
 7 unawareness and has had less than one (1) documented,
 8 symptomatic hypoglycemic reaction per month;
- 9 (C) has demonstrated the ability and willingness to properly
 10 monitor and manage the driver's diabetic condition;
- 11 (D) has agreed to and, to the endocrinologist's, ~~or~~ treating
 12 physician's, **or treating advanced practice registered**
 13 **nurse's** knowledge, has carried a source of rapidly absorbable
 14 glucose at all times while driving a motor vehicle, has self
 15 monitored blood glucose levels one (1) hour before driving
 16 and at least once every four (4) hours while driving or on duty
 17 before driving using a portable glucose monitoring device
 18 equipped with a computerized memory; and
- 19 (E) has submitted the blood glucose logs from the monitoring
 20 device to the endocrinologist, ~~or~~ treating physician, **or**
 21 **treating advanced practice registered nurse** at the time of
 22 the annual medical examination.
- 23 A copy of the blood glucose logs shall be filed along with the
 24 annual statement from the endocrinologist, ~~or~~ treating physician,
 25 **or treating advanced practice registered nurse** with the bureau
 26 of motor vehicles for review by the driver licensing medical
 27 advisory board established under IC 9-14-11. A copy of the
 28 annual statement shall also be provided to the driver's employer
 29 for retention in the driver's qualification file, and a copy shall be
 30 retained and held by the driver while driving for presentation to
 31 an authorized federal, state, or local law enforcement official.
 32 Notwithstanding the requirements of this subdivision, the
 33 endocrinologist, the treating physician, **the treating advanced**
 34 **practice registered nurse**, the advisory board of the bureau of
 35 motor vehicles, or the bureau of motor vehicles may, where
 36 medical indications warrant, establish a short period for the
 37 medical examinations required under this subdivision.
- 38 (2) Subpart 396.9 as it applies to inspection of vehicles carrying
 39 or loaded with a perishable product. However, this exemption
 40 does not prohibit a law enforcement officer from stopping these
 41 vehicles for an obvious violation that poses an imminent threat of
 42 an accident or incident. The exemption is not intended to include



- 1 refrigerated vehicles loaded with perishables when the
 2 refrigeration unit is working.
- 3 (3) Subpart 396.11 as it applies to driver vehicle inspection
 4 reports.
- 5 (4) Subpart 396.13 as it applies to driver inspection.
- 6 (h) For purposes of 49 CFR 395.1(k)(2), "planting and harvesting
 7 season" refers to the period between January 1 and December 31 of
 8 each year. The intrastate commerce exception set forth in 49 CFR
 9 395.1(k), as it applies to the transportation of agricultural commodities
 10 and farm supplies, is restricted to single vehicles and cargo tank motor
 11 vehicles with a capacity of not more than five thousand four hundred
 12 (5,400) gallons.
- 13 (i) The requirements of 49 CFR 390.21 do not apply to an intrastate
 14 motor carrier or a guest operator not engaged in interstate commerce
 15 and operating a motor vehicle as a farm vehicle in connection with
 16 agricultural pursuits usual and normal to the user's farming operation
 17 or for personal purposes unless the vehicle is operated either part time
 18 or incidentally in the conduct of a commercial enterprise.
- 19 (j) This section does not apply to private carriers that operate using
 20 only the type of motor vehicles specified in IC 8-2.1-24-3(6).
- 21 (k) The superintendent of state police may adopt rules under
 22 IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by
 23 reference under this section.
- 24 SECTION 4. IC 9-14-10-1, AS AMENDED BY P.L.257-2017,
 25 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 1. The commission board shall do the following:
- 27 (1) Recommend legislation needed to operate the license
 28 branches.
- 29 (2) Recommend rules needed to operate the license branches.
- 30 (3) Review budget proposals for the commission and the license
 31 branches operated under IC 9-14.1, including the budget required
 32 by IC 9-14.1-5-4 and IC 9-14.1-5-5.
- 33 (4) Establish the determination criteria and determine the number
 34 and location of license branches to be operated under IC 9-14.1.
- 35 (5) Establish and adopt minimum standards for the operation and
 36 maintenance of each physical or virtual location at which services
 37 are provided by a full service provider or partial services provider
 38 under IC 9-14.1.
- 39 (6) Administer the commission fund established under
 40 IC 9-14-14-1.
- 41 **(7) Establish and maintain an audit working group composed**
 42 **of two (2) board members of the commission, excluding the**



1 **commissioner, who are selected by and may be dismissed by**
 2 **the commissioner. A meeting of the audit working group is**
 3 **not subject to IC 5-14-1.5.**

4 **(8) Approve an internal audit charter and an audit plan at**
 5 **least one (1) time each year.**

6 SECTION 5. IC 9-14.1-5-1, AS ADDED BY P.L.198-2016,
 7 SECTION 195, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The ~~state board of accounts~~
 9 **bureau shall conduct an audit each account** of each license branch
 10 ~~operated under this article.~~

11 (b) Each audit must be

12 ~~(1) completed not more than ninety (90) days after~~
 13 ~~commencement of the audit; and~~

14 ~~(2) filed with the legislative services agency in an electronic~~
 15 ~~format under IC 5-14-6 not more than thirty (30) days after~~
 16 ~~completion of the audit. conducted as determined by an annual~~
 17 **risk assessment and an audit plan.**

18 (c) An audit prepared under this section is a public record.

19 **(d) Notwithstanding the audit performed under subsection (a),**
 20 **the state board of accounts may examine an account of a license**
 21 **branch operated under this article.**

22 SECTION 6. IC 9-17-5-6, AS ADDED BY P.L.81-2021, SECTION
 23 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
 24 PASSAGE]: Sec. 6. (a) As used in this section, "qualified service
 25 provider" means a person able to provide electronic lien or electronic
 26 title services in coordination with vehicle lienholders and state
 27 departments of motor vehicles.

28 (b) As used in this section, "qualified vendor" refers to a person with
 29 whom the bureau contracts to:

30 (1) develop;

31 (2) implement; and

32 (3) provide ongoing support with respect to;

33 a statewide electronic lien and title system under this section.

34 (c) As used in this section, "statewide electronic lien and title
 35 system" or "system" means a statewide electronic lien and title system
 36 implemented by the bureau under this section to process:

37 (1) vehicle titles;

38 (2) certificate of title data in which a lien is notated; and

39 (3) the notification, maintenance, and release of security interests
 40 in vehicles;

41 through electronic means instead of paper documents.

42 (d) Not later than the dates set forth in subsection (h), the bureau



1 shall implement a statewide electronic lien and title system for the
2 following purposes:

3 (1) To facilitate and promote commerce and governmental
4 transactions by validating and authorizing the use of electronic
5 records.

6 (2) To modernize the law and eliminate barriers to electronic
7 commerce and governmental transactions resulting from
8 uncertainties related to handwritten and other written materials.

9 (3) To promote uniformity of the law among the states relating to
10 the use of electronic and similar technological means of effecting
11 and performing commercial and governmental transactions.

12 (4) To promote public confidence in the validity, integrity, and
13 reliability of electronic commerce and governmental transactions.

14 (5) To promote the development of the legal and business
15 infrastructure necessary to implement electronic commerce and
16 governmental transactions.

17 (e) The bureau may:

18 (1) contract with one (1) or more qualified vendors to develop and
19 implement a statewide electronic lien and title system; or

20 (2) develop and make available to qualified service providers a
21 well defined set of information services that will enable secure
22 access to the data and internal application components necessary
23 to facilitate the creation of a statewide electronic lien and title
24 system.

25 (f) If the bureau elects under subsection (e)(1) to contract with one
26 (1) or more qualified vendors to develop and implement a statewide
27 electronic lien and title system, the following apply:

28 (1) The bureau shall issue a competitive request for proposals to
29 assess the qualifications of any vendor seeking to develop,
30 implement, and provide ongoing support for the system. The
31 bureau may reserve the right to receive input concerning
32 specifications for the establishment and operation of the system
33 from parties that do not respond to the bureau's request for
34 proposals.

35 (2) A contract entered into between the bureau and a qualified
36 vendor may not provide for any costs or charges payable by the
37 bureau to the qualified vendor. The qualified vendor shall
38 reimburse the bureau for any reasonable and documented costs
39 incurred by the bureau and directly associated with the
40 development, implementation, or ongoing support of the system.

41 (3) Upon implementing a statewide electronic lien and title
42 system under this section, the qualified vendor may charge



1 participating lienholders or their agents a fee for each lien
 2 notification transaction provided through the system, in order to
 3 recover the qualified vendor's costs associated with the
 4 development, implementation, and ongoing administration of the
 5 system. A lien notification fee under this subdivision must be
 6 consistent with market pricing and may not exceed three dollars
 7 and fifty cents (\$3.50). The qualified vendor may not charge
 8 lienholders or their agents any additional fee for lien releases,
 9 assignments, or transfers. The qualified vendor may not charge a
 10 fee under this subdivision to a state agency or its agents for lien
 11 notification, lien release, lien assignment, or lien transfer. To
 12 recover their costs associated with the lien, participating
 13 lienholders or their agents may charge:

14 (A) the borrower in a vehicle loan; or

15 (B) the lessee in a vehicle lease;

16 an amount equal to any lien notification fee imposed by the
 17 qualified vendor under this subdivision, plus a fee in an amount
 18 not to exceed three dollars (\$3) for each electronic transaction in
 19 which a lien is notated.

20 (4) A qualified vendor may also serve as a qualified service
 21 provider to motor vehicle lienholders if the following conditions
 22 are met:

23 (A) The contract between the bureau and the qualified vendor
 24 must include provisions specifically prohibiting the qualified
 25 vendor from using information concerning vehicle titles for
 26 any commercial, marketing, business, or other purpose not
 27 specifically contemplated by this chapter.

28 (B) The contract between the bureau and the qualified vendor
 29 must include an acknowledgment by the qualified vendor that
 30 the qualified vendor is required to enter into agreements to
 31 exchange electronic lien data with any:

32 (i) qualified service providers that offer electronic lien or
 33 title services in Indiana and that have been approved by the
 34 bureau for participation in the system; and

35 (ii) qualified service providers that are not qualified vendors.

36 (C) The bureau must periodically monitor the fees charged by
 37 a qualified vendor that also:

38 (i) serves as a qualified service provider to lienholders; or

39 (ii) provides services as a qualified vendor to other qualified
 40 service providers;

41 to ensure that the qualified vendor is not engaging in predatory
 42 pricing.



1 (g) If the bureau elects under subsection (e)(2) to develop an
 2 interface to provide qualified service providers secure access to data to
 3 facilitate the creation of a statewide electronic lien and title system, the
 4 following apply:

5 (1) The bureau shall establish:

6 (A) the total cost to develop the statewide electronic lien and
 7 title system by July 1, ~~2021~~; **2022**;

8 (B) qualifications for third party service providers offering
 9 electronic lien services; and

10 (C) a qualification process to:

11 (i) evaluate electronic lien and title system technologies
 12 developed by third party service providers; and

13 (ii) determine whether such technologies comply with
 14 defined security and platform standards.

15 (2) Not later than ~~February~~ **July 1, 2022**, the bureau shall publish
 16 on the bureau's Internet web site the qualifications established by
 17 the bureau under subdivision (1). A third party service provider
 18 that seeks to become qualified by the bureau under this subsection
 19 must demonstrate the service provider's qualifications, in the form
 20 and manner specified by the bureau, not later than thirty (30) days
 21 after the date of the bureau's publication under this subdivision.
 22 After the elapse of the thirty (30) day period during which third
 23 party service providers may respond to the bureau's publication
 24 under this subdivision, the bureau shall notify each responding
 25 third party service provider as to:

26 **(A) the total cost to develop the system, as determined by**
 27 **the bureau under subdivision (1); and**

28 **(B) whether the third party service provider has met the**
 29 **qualifications established by the bureau under subdivision (1)**
 30 **and is approved to participate in the statewide electronic lien**
 31 **and title system.**

32 (3) Not later than thirty (30) days after receiving a notice of
 33 approval from the bureau under subdivision (2), each qualified
 34 service provider shall ~~remit to the bureau a payment in an amount~~
 35 ~~equal to the total development costs of the system divided by the~~
 36 ~~total number of qualified service providers participating in the~~
 37 ~~system. notify the bureau of the qualified service provider's~~
 38 ~~intention to participate in the statewide electronic lien and~~
 39 ~~title system.~~

40 ~~(4) If a third party service provider that did not:~~

41 ~~(A) submit proof of its qualifications under subdivision (2); or~~

42 ~~(B) pay initial development costs under subdivision (3);~~



1 later wishes to participate in the system, the third party service
 2 provider may apply to the bureau to participate in the system. The
 3 bureau shall allow the third party service provider to participate
 4 in the system if the third party service provider meets the
 5 qualifications established by the bureau under subdivision (1) and
 6 pays to the department the third party service provider's
 7 proportional share of the system development costs.

8 (5) Each qualified service provider shall remit to the bureau, on
 9 a date prescribed by the bureau, an annual fee established by the
 10 bureau and not to exceed three thousand dollars (\$3,000); to be
 11 used for the operation and maintenance of the system.

12 **(4) Upon implementing a statewide electronic lien and title**
 13 **system under this section, the bureau may charge**
 14 **participating service providers or their agents a fee for each**
 15 **lien transaction provided through the system in order to**
 16 **recover the bureau's costs associated with the development,**
 17 **implementation, and ongoing administration of the system. A**
 18 **fee under this subdivision must be consistent with market**
 19 **pricing and may not exceed three dollars and twenty-five**
 20 **cents (\$3.25). A fee collected under this subdivision shall be**
 21 **deposited in the commission fund. Fees collected by the**
 22 **bureau for the implementation of a statewide electronic lien**
 23 **and title system are limited to those contained in this**
 24 **subdivision. This subdivision expires July 1, 2025.**

25 ~~(6)~~ (5) A contract entered into between the bureau and a qualified
 26 service provider may not provide for any costs or charges payable
 27 by the bureau to the qualified service provider.

28 ~~(7)~~ (6) Upon the implementation of a statewide electronic lien and
 29 title system under this section, a qualified service provider may
 30 charge participating lienholders or their agents transaction fees
 31 consistent with market pricing **in addition to the fees described**
 32 **in subdivision 4.** A fee under this subdivision may not be charged
 33 to a state agency or its agents for lien notification, lien release,
 34 lien assignment, or lien transfer. **To recover their costs**
 35 **associated with a lien, participating lienholders or their agents**
 36 **may charge:**

37 (A) the borrower in a vehicle loan; or

38 (B) the lessee in a vehicle lease;

39 **an amount equal to any fee imposed by a qualified service**
 40 **provider under this subdivision, plus a fee in an amount not**
 41 **to exceed three dollars (\$3) for each electronic transaction in**
 42 **which a lien is notated.**



1 ~~(8)~~ **(7)** The contract between the bureau and a qualified service
 2 provider must include provisions specifically prohibiting the
 3 qualified service provider from using information concerning
 4 vehicle titles for any commercial, marketing, business, or other
 5 purpose not specifically contemplated by this chapter.

6 (h) Subject to subsection (i), the bureau shall implement, and allow
 7 or require the use of, a statewide electronic lien and title system under
 8 this section as follows:

9 (1) A statewide electronic lien system that is capable of
 10 processing:

11 (A) certificate of title data in which a lien is notated; and

12 (B) the notification, maintenance, and release of security
 13 interests in vehicles;

14 through electronic means must be made available for voluntary
 15 use by vehicle lienholders not later than ~~February~~ **July 1, 2022**.

16 (2) Subject to subsection (j)(5), the bureau shall require that the
 17 statewide electronic lien system made available under subdivision

18 (1) be used for processing:

19 (A) certificate of title data in which a lien is notated; and

20 (B) the notification, maintenance, and release of security
 21 interests in vehicles;

22 after June 30, ~~2022~~. **2023**.

23 (3) A statewide electronic title system capable of processing
 24 vehicle titles through electronic means must be made available for
 25 voluntary use by vehicle dealers, lienholders, and owners not later
 26 than July 1, ~~2022~~. **2025**.

27 (4) The bureau shall require that the statewide electronic title
 28 system made available under subdivision (3) be used for
 29 processing vehicle titles after June 30, ~~2023~~. **2026**.

30 (i) Subsection (h) does not prohibit the bureau or any:

31 (1) qualified vendor with whom the bureau contracts under
 32 subsection (f); or

33 (2) qualified service provider with whom the bureau contracts
 34 under subsection (g);

35 from implementing, making available, or requiring the use of a
 36 statewide electronic lien system described in subsection (h)(1) at the
 37 same time as, or in conjunction with, a statewide electronic title system
 38 described in subsection (h)(3), or from implementing, making
 39 available, or requiring the use of a statewide electronic lien system
 40 described in subsection (h)(1) or a statewide electronic title system
 41 described in subsection (h)(3) before the applicable dates otherwise set
 42 forth in subsection (h).



1 (j) The following apply to the use of a statewide electronic lien
2 system described in subsection (h)(1):

3 (1) Notwithstanding section 5(b) of this chapter, if there are one
4 (1) or more liens or encumbrances on a motor vehicle, the bureau
5 may electronically transmit the lien to the first lienholder and
6 notify the first lienholder of any additional liens. Subsequent lien
7 satisfactions may be electronically transmitted to the bureau and
8 must include the name and address of the person satisfying the
9 lien.

10 (2) Whenever the electronic transmission of lien notifications and
11 lien satisfactions is used, a certificate of title need not be issued
12 until the last lien is satisfied and a clear certificate of title can be
13 issued to the owner of the motor vehicle. The bureau may print or
14 issue electronically the clear certificate of title to the owner or
15 subsequent assignee of the motor vehicle.

16 (3) If a motor vehicle is subject to an electronic lien, the
17 certificate of title for the motor vehicle is considered to be
18 physically held by the lienholder for purposes of compliance with
19 state or federal odometer disclosure requirements.

20 (4) A certified copy of the bureau's electronic record of a lien is
21 admissible in any civil, criminal, or administrative proceeding in
22 Indiana as evidence of the existence of the lien. If a certificate of
23 title is maintained electronically in a statewide electronic title
24 system described in subsection (h)(3), a certified copy of the
25 bureau's electronic record of the certificate of title is admissible
26 in any civil, criminal, or administrative proceeding in Indiana as
27 evidence of the existence and contents of the certificate of title.

28 (5) All individuals and lienholders who conduct at least twelve
29 (12) lien transactions annually must use the statewide electronic
30 lien and title system implemented under this section to record
31 information concerning the perfection and release of a security
32 interest in a vehicle.

33 (6) An electronic notice or release of a lien made through the
34 statewide electronic lien and title system implemented under this
35 section has the same force and effect as a notice or release of a
36 lien made on a paper document.

37 (7) The bureau may convert an existing paper lien to an electronic
38 lien upon request of the primary lienholder. The bureau, or a third
39 party contracting with the bureau under this section, is authorized
40 to collect a fee not to exceed three dollars (\$3) for each
41 conversion performed under this subdivision. A fee under this
42 subdivision may not be charged to a state agency or its agents.



1 (8) Notwithstanding section 5 of this chapter, any requirement
 2 that a security interest or other information appear on a certificate
 3 of title is satisfied by the inclusion of that information in an
 4 electronic file maintained in an electronic title system.

5 (k) Nothing in this section precludes the bureau from collecting a
 6 title fee for the preparation and issuance of a title.

7 (l) The bureau may adopt rules under IC 4-22-2 to implement this
 8 section, including emergency rules in the manner provided by
 9 IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule
 10 adopted by the bureau under this subsection and in the manner
 11 provided by IC 4-22-2-37.1 expires on the date on which a rule that
 12 supersedes the emergency rule is adopted by the bureau under
 13 IC 4-22-2-24 through IC 4-22-2-36.

14 SECTION 7. IC 9-18.5-2-1, AS AMENDED BY P.L.29-2021,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2022]: Sec. 1. (a) A person may apply to the bureau for a
 17 personalized license plate to display on the person's vehicle.

18 (b) The following license plates may be designed as a personalized
 19 license plate under this chapter:

- 20 (1) IC 9-18.5-4 (prisoner of war license plates).
- 21 (2) IC 9-18.5-5 (disabled Hoosier veteran license plates).
- 22 (3) IC 9-18.5-6 (Purple Heart license plates).
- 23 (4) IC 9-18.5-7 (National Guard license plates).
- 24 (5) IC 9-18.5-8 (license plates for persons with disabilities).
- 25 (6) IC 9-18.5-9 (amateur radio operator license plates).
- 26 (7) IC 9-18.5-10 (civic event license plates).
- 27 (8) IC 9-18.5-11 (In God We Trust license plates).
- 28 (9) IC 9-18.5-12 (special group recognition license plates).
- 29 (10) IC 9-18.5-13 (environmental license plates).
- 30 (11) IC 9-18.5-14 (kids first trust license plates).
- 31 (12) IC 9-18.5-15 (education license plates).
- 32 (13) IC 9-18.5-16 (Indiana FFA trust license plates).
- 33 (14) IC 9-18.5-17 (Indiana firefighter license plates).
- 34 (15) IC 9-18.5-18 (Indiana boy scouts trust license plates).
- 35 (16) IC 9-18.5-19 (D.A.R.E. Indiana trust license plates).
- 36 (17) IC 9-18.5-20 (Indiana arts trust license plates).
- 37 (18) IC 9-18.5-21 (Indiana health trust license plates).
- 38 (19) IC 9-18.5-22 (Indiana Native American trust license plates).
- 39 (20) IC 9-18.5-24 (Pearl Harbor survivor license plates).
- 40 (21) IC 9-18.5-25 (Indiana state educational institution trust
 41 license plates).
- 42 (22) IC 9-18.5-26 (Lewis and Clark expedition license plates).



- 1 (23) IC 9-18.5-27 (Riley Children's Foundation license plates).
 2 (24) IC 9-18.5-28 (National Football League franchised
 3 professional football team license plates).
 4 (25) IC 9-18.5-29 (Hoosier veteran license plates).
 5 (26) IC 9-18.5-30 (support our troops license plates).
 6 (27) IC 9-18.5-31 (Abraham Lincoln's boyhood home license
 7 plates).
 8 ~~(28) IC 9-18.5-32 (Earlham College Trust license plates).~~
 9 ~~(29)~~ **(28)** IC 9-18.5-33 (Indiana Gold Star family member license
 10 plates).
 11 ~~(30)~~ **(29)** IC 9-18.5-35 (Armed Forces Expeditionary Medal
 12 license plates).
 13 ~~(31)~~ **(30)** A license plate issued under IC 9-18 (before its
 14 expiration) or IC 9-18.1.
- 15 SECTION 8. IC 9-18.5-12-13, AS AMENDED BY P.L.178-2019,
 16 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2022]: Sec. 13. (a) In order to continue participation in the
 18 special group recognition license plate program, a special group must:
 19 (1) sell at least five hundred (500) special group recognition
 20 license plates of the special group in the first two (2) years in
 21 which the license plate is offered for sale; and
 22 (2) maintain the sale or renewal of at least five hundred (500)
 23 special group recognition license plates during each subsequent
 24 year after the initial two (2) year period of sale.
- 25 (b) If the special group fails to sell or renew special group
 26 recognition license plates in the manner provided in subsection (a), the
 27 bureau shall place the issuance of the special group recognition license
 28 plates for the special group on probation for the subsequent year. If, in
 29 that subsequent year on probation, the special group fails to sell or
 30 renew at least five hundred (500) special group recognition license
 31 plates, the bureau shall terminate the participation of the special group
 32 in the special group recognition license plate program. If the special
 33 group sells or renews at least five hundred (500) special group
 34 recognition license plates in the year on probation, the participation of
 35 the special group in the special group recognition license plate program
 36 is continued. A special group shall be afforded only one (1)
 37 probationary period under this subsection.
- 38 (c) The bureau may terminate the participation of a special group in
 39 the special group recognition license plate program if the special
 40 group:
 41 (1) ceases operations; or
 42 (2) fails to use the annual fee collected by the bureau in a manner



- 1 consistent with the statement submitted by the special group
 2 under section 3(a)(9) of this chapter.
- 3 (d) A special group that desires to participate in the special group
 4 recognition license plate program after termination by the bureau under
 5 this section:
- 6 (1) must follow the procedure set forth in section 3 of this
 7 chapter; **and**
- 8 **(2) may not reapply to participate in the special group**
 9 **recognition license plate program for at least two (2) years**
 10 **after termination.**
- 11 (e) Upon termination under this section of a special group's
 12 participation in the special group recognition license plate program, the
 13 bureau shall distribute any money remaining in the trust fund
 14 established under section 14 of this chapter for the special group to the
 15 state general fund.
- 16 SECTION 9. IC 9-18.5-16-4, AS ADDED BY P.L.198-2016,
 17 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The Indiana FFA trust fund
 19 is established.
- 20 (b) The treasurer of state shall invest the money in the Indiana FFA
 21 trust fund not currently needed to meet the obligations of the Indiana
 22 FFA trust fund in the same manner as other public trust funds are
 23 invested. Interest that accrues from these investments shall be
 24 deposited in the Indiana FFA trust fund.
- 25 (c) The bureau shall administer the Indiana FFA trust fund.
 26 Expenses of administering the Indiana FFA trust fund shall be paid
 27 from money in the Indiana FFA trust fund.
- 28 (d) ~~On June 30 of each year;~~ The bureau shall distribute **at least one**
 29 **(1) time each month** the money from the fund to the FFA Foundation
 30 that is located within Indiana.
- 31 (e) Money in the fund at the end of a state fiscal year does not revert
 32 to the state general fund.
- 33 SECTION 10. IC 9-18.5-18-4, AS ADDED BY P.L.198-2016,
 34 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The Indiana boy scouts trust
 36 fund is established.
- 37 (b) The treasurer of state shall invest the money in the fund not
 38 currently needed to meet the obligations of the fund in the same
 39 manner as other public trust funds are invested. Interest that accrues
 40 from these investments shall be deposited in the fund.
- 41 (c) The bureau shall administer the fund. Expenses of administering
 42 the fund shall be paid from money in the fund.



1 (d) ~~On June 30 of each year~~, The bureau shall distribute **at least one**
 2 **(1) time each month the** money from the fund to the organization
 3 established under section 5 of this chapter.

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

6 SECTION 11. IC 9-18.5-19-4, AS ADDED BY P.L.198-2016,
 7 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The D.A.R.E. Indiana trust
 9 fund is established.

10 (b) The treasurer of state shall invest the money in the fund not
 11 currently needed to meet the obligations of the fund in the same
 12 manner as other public trust funds are invested. Interest that accrues
 13 from these investments shall be deposited in the fund.

14 (c) The bureau shall administer the fund. Expenses of administering
 15 the fund shall be paid from money in the fund.

16 (d) ~~On June 30 of each year~~, The bureau shall distribute **at least one**
 17 **(1) time each month the** money from the fund to D.A.R.E. Indiana,
 18 Inc.

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

21 SECTION 12. IC 9-18.5-20-3, AS ADDED BY P.L.198-2016,
 22 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The fees for an Indiana arts
 24 trust license plate are as follows:

25 (1) An annual supplemental fee of fifteen dollars (\$15) under
 26 IC 9-18.5-12-16.

27 (2) An annual fee of not more than twenty-five dollars (\$25) as
 28 provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

29 (b) The annual fee referred to in subsection (a)(2) must be collected
 30 by the bureau and deposited in the Indiana arts commission trust fund
 31 established under IC 4-23-2.5-4.

32 **(c) The bureau shall distribute at least one (1) time each month**
 33 **the money from the Indiana arts commission trust fund collected**
 34 **under subsection (b).**

35 SECTION 13. IC 9-18.5-21-4, AS ADDED BY P.L.198-2016,
 36 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The Indiana health trust fund
 38 is established.

39 (b) The treasurer of state shall invest the money in the Indiana
 40 health trust fund not currently needed to meet the obligations of the
 41 Indiana health trust fund in the same manner as other public trust funds
 42 are invested. Interest that accrues from these investments shall be



1 deposited in the Indiana health trust fund.

2 (c) The bureau shall administer the Indiana health trust fund.
3 Expenses of administering the Indiana health trust fund shall be paid
4 from money in the Indiana health trust fund.

5 (d) ~~On June 30 of each year;~~ The bureau shall distribute **at least one**
6 **(1) time each month** the money from the fund to the organization
7 established under section 5 of this chapter.

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

10 SECTION 14. IC 9-18.5-22-4, AS ADDED BY P.L.198-2016,
11 SECTION 327, IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The Indiana Native American
13 trust fund is established.

14 (b) The treasurer of state shall invest the money in the Indiana
15 Native American trust fund not currently needed to meet the
16 obligations of the Indiana Native American trust fund in the same
17 manner as other public trust funds are invested. Interest that accrues
18 from these investments shall be deposited in the Indiana Native
19 American trust fund.

20 (c) The bureau shall administer the Indiana Native American trust
21 fund. Expenses of administering the Indiana Native American trust
22 fund shall be paid from money in the Indiana Native American trust
23 fund.

24 (d) ~~On June 30 of each year;~~ The bureau shall distribute **at least one**
25 **(1) time each month** the money from the fund to the Native American
26 Indian affairs commission established under IC 4-23-32.

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

29 (f) The Native American Indian affairs commission may use money
30 received under this section for any lawful purpose of the Native
31 American Indian affairs commission.

32 SECTION 15. IC 9-18.5-23-3, AS AMENDED BY P.L.57-2020,
33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2022]: Sec. 3. (a) The fees for a first responder license plate
35 are as follows:

36 (1) An annual supplemental fee of fifteen dollars (\$15) under
37 IC 9-18.5-12-16.

38 (2) An annual fee of not more than twenty-five dollars (\$25) as
39 provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

40 (b) The annual fee referred to in subsection (a)(2) shall be collected
41 by the bureau and deposited in the fund established under
42 IC 10-15-3-1.



1 **(c) The bureau shall distribute at least one (1) time each month**
 2 **the money from the fund collected under subsection (b).**

3 SECTION 16. IC 9-18.5-26-4, AS ADDED BY P.L.198-2016,
 4 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The Lewis and Clark
 6 expedition fund is established.

7 (b) The treasurer of state shall invest the money in the fund not
 8 currently needed to meet the obligations of the fund in the same
 9 manner as other public funds are invested. Interest that accrues from
 10 these investments shall be deposited in the fund. Money in the fund is
 11 continuously appropriated for the purposes of this section.

12 (c) The bureau shall administer the fund. Expenses of administering
 13 the fund shall be paid from money in the fund.

14 (d) The bureau shall ~~monthly~~ distribute **at least one (1) time each**
 15 **month** the money from the fund to the Lewis and Clark expedition
 16 commission established by IC 14-20-15.

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

19 SECTION 17. IC 9-18.5-28-4, AS ADDED BY P.L.198-2016,
 20 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2022]: Sec. 4. **(a)** The fees for a National
 22 Football League franchised football team license plate are as follows:

23 (1) An annual supplemental fee of ten dollars (\$10). The fee shall
 24 be distributed as follows:

25 (A) Five dollars (\$5) to the commission fund.

26 (B) Five dollars (\$5) to the motor vehicle highway account.

27 (2) An annual fee of twenty dollars (\$20) for deposit in the capital
 28 projects fund established by section 5 of this chapter.

29 **(b) The bureau shall distribute at least one (1) time each month**
 30 **the money from the capital projects fund collected under**
 31 **subsection (a).**

32 SECTION 18. IC 9-18.5-29-3, AS ADDED BY P.L.198-2016,
 33 SECTION 327, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) An individual who registers
 35 a vehicle under this title may apply for and receive a Hoosier veteran
 36 license plate for one (1) or more vehicles upon doing the following:

37 (1) Completing an application for a Hoosier veteran license plate.

38 (2) Presenting one (1) of the following to the bureau:

39 (A) A United States Uniformed Services Retiree Identification
 40 Card.

41 (B) A DD 214 or DD 215 record.

42 (C) United States military discharge papers.



1 (D) A current armed forces identification card.

2 (E) A credential issued to the individual that contains an
3 indication of veteran status under IC 9-24-11-5.5.

4 (3) Paying a fee in an amount of fifteen dollars (\$15).

5 (b) The bureau shall distribute **at least one (1) time each month** the
6 fee described in subsection (a)(3) to the director of veterans' affairs for
7 deposit in the military family relief fund established under
8 IC 10-17-12-8.

9 SECTION 19. IC 9-18.5-30-2, AS ADDED BY P.L.198-2016,
10 SECTION 327, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2022]: Sec. 2. A person may receive a support
12 our troops license plate under this chapter upon doing the following:

13 (1) Completing an application for a support our troops license
14 plate.

15 (2) Paying an annual fee of twenty dollars (\$20).

16 The bureau shall distribute **at least one (1) time each month** the fee
17 described in subdivision (2) to the director of veterans' affairs for
18 deposit in the military family relief fund established under
19 IC 10-17-12-8.

20 SECTION 20. IC 9-18.5-31-7, AS ADDED BY P.L.198-2016,
21 SECTION 327, IS AMENDED TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2022]: Sec. 7. (a) The Indiana State Museum
23 Foundation trust fund is established.

24 (b) The treasurer of state shall invest the money in the Indiana State
25 Museum Foundation trust fund not currently needed to meet the
26 obligations of the Indiana State Museum Foundation trust fund in the
27 same manner as other public funds are invested. Interest that accrues
28 from these investments shall be deposited in the Indiana State Museum
29 Foundation trust fund. Money in the Indiana State Museum Foundation
30 trust fund is continuously appropriated for the purposes of this section.

31 (c) The bureau shall administer the Indiana State Museum
32 Foundation trust fund. Expenses of administering the Indiana State
33 Museum Foundation trust fund shall be paid from money in the fund.

34 (d) ~~On June 30 of each year,~~ The bureau shall distribute **at least one**
35 **(1) time each month** the money from the Indiana State Museum
36 Foundation trust fund to the Indiana State Museum Foundation, Inc. for
37 use concerning the Lincoln collection.

38 (e) Money in the Indiana State Museum Foundation trust fund at the
39 end of a state fiscal year does not revert to the state general fund.

40 SECTION 21. IC 9-18.5-32 IS REPEALED [EFFECTIVE JULY 1,
41 2022]. (Earlham College Trust License Plates).

42 SECTION 22. IC 9-21-8-47, AS AMENDED BY P.L.210-2005,



1 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2022]: Sec. 47. (a) The following vehicles must be moved or
3 operated so as to avoid any material damage to the highway or
4 unreasonable interference with other highway traffic:

5 (1) Machinery or equipment used in highway construction or
6 maintenance by the Indiana department of transportation,
7 counties, or municipalities.

8 (2) Farm drainage machinery.

9 (3) Implements of agriculture.

10 (4) Firefighting apparatus owned or operated by a political
11 subdivision or a volunteer fire department (as defined in
12 IC 36-8-12-2).

13 (5) Farm vehicles loaded with farm products.

14 **(b) For purposes of this section, interference with other highway**
15 **traffic is considered unreasonable if the interference occurs for**
16 **more than ten (10) consecutive minutes. This subsection does not**
17 **apply to a vehicle in subsection (a)(1) or (a)(4).**

18 SECTION 23. IC 9-22-1-19, AS AMENDED BY P.L.281-2019,
19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2022]: Sec. 19. (a) Within three (3) business days after
21 removal of a vehicle to a storage yard or towing service under section
22 13, 14, 16, or 31 of this chapter or IC 9-22-6, the public agency or
23 towing service shall conduct a search of the National Motor Vehicle
24 Title Information System or an equivalent and commonly available data
25 base to attempt to obtain the last state of record of the vehicle in order
26 to attempt to ascertain the name and address of the person who owns
27 or holds a lien on the vehicle.

28 (b) A public agency or towing service that obtains the name and
29 address of the owner of or lienholder on a vehicle shall, not later than
30 three (3) business days after obtaining the name and address, notify the
31 **person who owns or holds a lien on the vehicle owner of the vehicle**
32 **and any lienholder on the vehicle, as indicated by the certificate of**
33 **title or discovered by a search under subsection (a), of the**
34 following:

35 (1) The name, address, and telephone number of the public
36 agency or towing service.

37 (2) That storage charges are being accrued and the vehicle is
38 subject to sale if the vehicle is not claimed and the charges are not
39 paid.

40 (3) The earliest possible date and location of the public sale or
41 auction.

42 The notice must be made by certified mail or a certificate of mailing or



1 by means of an electronic service approved by the bureau.
 2 Notwithstanding section 4 of this chapter, a public agency or towing
 3 service that fails to notify the owner of or lienholder on the vehicle as
 4 set forth in this subsection may not collect additional storage costs
 5 incurred after the date of receipt of the name and address obtained.

6 SECTION 24. IC 9-22-5-3, AS AMENDED BY P.L.198-2016,
 7 SECTION 408, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The application required
 9 under section 2 of this chapter shall be made in a manner prescribed by
 10 the bureau and filed with the bureau.

11 (b) The application required by section 2 of this chapter must
 12 include the following:

- 13 (1) The name and address of the applicant.
 14 (2) The year, make, model, and vehicle identification number of
 15 the vehicle, if ascertainable, together with any other identifying
 16 features.
 17 (3) A concise statement of the facts surrounding the abandonment
 18 of the vehicle, that the title of the vehicle is faulty, lost, or
 19 destroyed, or the reasons for disposal of the vehicle.
 20 (4) An affidavit executed by the applicant stating that the facts
 21 alleged in the application are true and that no material fact has
 22 been withheld.

23 (c) The bureau shall issue a certificate of authority if:

- 24 (1) the bureau determines that the application satisfies the
 25 requirements of this chapter; and
 26 (2) the applicant pays a fee of four dollars (\$4) for each certificate
 27 of authority.

28 The fee under subdivision (2) shall be deposited in the motor vehicle
 29 highway account.

30 **(d) The bureau shall process an electronic application for a**
 31 **certificate of authority not more than five (5) business days after**
 32 **the submission of the application if the application meets the**
 33 **requirements under section 2 of this chapter or under this section.**

34 ~~(d)~~ (e) A certificate of authority issued under this chapter must
 35 contain the following information:

- 36 (1) The name and address of the person that filed the application
 37 required under section 2 of this chapter.
 38 (2) The year, make, model, and vehicle identification number, if
 39 ascertainable, together with any other identifying features of the
 40 vehicle that has been authorized to be sold for scrap metal.

41 SECTION 25. IC 9-22-6-2, AS AMENDED BY P.L.157-2017,
 42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 2. (a) A person that performs labor, furnishes
 2 materials or storage, or does repair work on a vehicle at the request of
 3 the owner of the vehicle has a mechanic's lien on the vehicle for the
 4 reasonable value of the charges for the labor, materials, storage, or
 5 repairs.

6 (b) A person that provides towing services for a vehicle at the
 7 request of the owner of the vehicle has a mechanic's lien on the vehicle
 8 for the reasonable value of the charges for the towing services and
 9 other related costs.

10 (c) A person that has a mechanic's lien on a vehicle under
 11 subsection (a) or (b) may advertise the vehicle for sale if the person
 12 followed the procedures described in IC 9-22-1-19 and if:

- 13 (1) the charges made under subsection (a) or (b) are not paid; and
 14 (2) the vehicle is not claimed;

15 within thirty (30) days after the date on which the vehicle is left in or
 16 comes into the possession of the person for repairs, storage, towing, or
 17 the furnishing of materials. The vehicle may not be sold until the later
 18 of fifteen (15) days after the date the advertisement required by
 19 subsection (d) has been placed or fifteen (15) days after notice required
 20 by subsection (e) has been sent.

21 (d) Before a vehicle may be sold under subsection (c) or under
 22 IC 9-22-1-21.5, an advertisement must be placed in a newspaper that
 23 is printed in English and of general circulation in the city or town in
 24 which the lienholder's place of business is located. If the lienholder is
 25 located outside the corporate limits of a city or a town, the
 26 advertisement must be placed in a newspaper of general circulation in
 27 the county in which the place of business of the lienholder is located.
 28 The advertisement must contain at least the following information:

- 29 (1) A description of the vehicle, including make, year, and
 30 manufacturer's identification number.
 31 (2) The amount of the unpaid charges.
 32 (3) The time, place, and date of the sale.

33 (e) In addition to the advertisement required under subsection (d),
 34 the person that holds the mechanic's lien under this section or under
 35 IC 9-22-1-21.5(c) must notify the owner of the vehicle and any other
 36 person that holds a lien of record, as indicated on the certificate of title
 37 of the vehicle or discovered as a result of the search described in
 38 IC 9-22-1-19, by certified mail, return receipt requested, at the last
 39 known address of the owner or person, as applicable, that the vehicle
 40 will be sold at public auction on a specified date to satisfy the
 41 mechanic's lien imposed by this section. If the person who holds the
 42 mechanic's lien has proof that the notice was mailed to the owner of the



1 vehicle **and any person who holds a lien of record** in accordance
 2 with this subsection, actual receipt of the notice ~~by the owner of the~~
 3 ~~vehicle~~ is not required. ~~Actual receipt of the notice by any other person~~
 4 ~~that holds a lien of record is required unless a properly addressed~~
 5 ~~notice is refused by the addressee or is otherwise returned to the sender~~
 6 ~~as undeliverable.~~

7 (f) A person that holds a mechanic's lien of record on a vehicle
 8 subject to sale under this section or under IC 9-22-1-21.5 may pay the
 9 storage, repair, towing, or service charges due. If the person that holds
 10 the mechanic's lien of record elects to pay the charges due, the person
 11 is entitled to possession of the vehicle and becomes the holder of the
 12 mechanic's lien imposed by this section.

13 (g) If the person that owns a vehicle or the lienholder of a vehicle
 14 subject to sale under this section or under IC 9-22-1-21.5 does not
 15 claim the vehicle and satisfy the mechanic's lien on the vehicle, the
 16 vehicle may be sold at public sale or public auction to the highest and
 17 best bidder. A person that holds a mechanic's lien under this section
 18 may purchase a vehicle subject to sale under this section.

19 (h) A person that holds a mechanic's lien under this section or under
 20 IC 9-22-1-21.5 may deduct and retain the amount of the mechanic's
 21 lien, the sale disposal costs, and the cost of the advertisement required
 22 under subsection (d) from the purchase price received for a vehicle sold
 23 under this section. After deducting from the purchase price the amount
 24 of the mechanic's lien, the sale disposal costs, and the cost of the
 25 advertisement, the person shall pay the surplus of the purchase price to
 26 the person that holds the first lien of record, as indicated on the
 27 certificate of title, of the vehicle. If there is no lien of record, the person
 28 shall pay the surplus of the purchase price to the owner of the vehicle,
 29 if the owner's address or whereabouts are known. If the address or
 30 whereabouts are not known and there is no lien of record, the surplus
 31 of the purchase price shall be sent to:

- 32 (1) the abandoned vehicle fund of the city, county, or town from
 33 which the vehicle was towed, for vehicles subject to IC 9-22-1; or
 34 (2) the clerk of courts, for all other vehicles, in the jurisdiction in
 35 which the business of the person that holds the mechanic's lien is
 36 located, for the use and benefit of the owner of the vehicle.

37 (i) The person that holds the first lien of record may deduct and
 38 retain the amount of the lien of record from the surplus purchase price
 39 transferred to the person under subsection (h). After deducting the
 40 amount of the lien of record from the surplus purchase price transferred
 41 to the person under subsection (h), the person that holds the first lien
 42 of record shall pay any remaining surplus to the owner of the vehicle,



1 if the owner's address or whereabouts are known. If the address or
 2 whereabouts of the owner of the vehicle are not known, the surplus of
 3 the purchase price shall be sent to:

- 4 (1) the abandoned vehicle fund of the city, county, or town from
 5 which the vehicle was towed, for vehicles subject to IC 9-22-1; or
 6 (2) the clerk of the courts for all other vehicles, in the jurisdiction
 7 in which the business of the person that holds the mechanic's lien
 8 is located, for the use and benefit of the owner of the vehicle.

9 (j) A person that holds a mechanic's lien under this section shall
 10 execute and deliver to the purchaser of a vehicle under this section or
 11 under IC 9-22-1-21.5 a sales certificate in the form designated by the
 12 bureau, setting forth the following information:

- 13 (1) The facts of the sale.
 14 (2) The vehicle identification number.
 15 (3) The certificate of title if available.
 16 (4) A certification from the newspaper showing that the
 17 advertisement was made as required under subsection (d).
 18 (5) Any other information that the bureau requires.

19 Whenever the bureau receives from the purchaser an application for
 20 certificate of title accompanied by these items, the bureau shall issue
 21 a certificate of title for the vehicle under IC 9-17.

22 (k) A person that violates this section commits a Class A infraction.

23 SECTION 26. IC 9-24-2-3, AS AMENDED BY P.L.198-2016,
 24 SECTION 424, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The bureau may not issue a
 26 driver's license or learner's permit or grant driving privileges to the
 27 following individuals:

- 28 (1) An individual whose driving privileges have been suspended,
 29 during the period for which the driving privileges are suspended,
 30 or to an individual whose driver's license has been revoked, until
 31 the time the bureau is authorized under Indiana law to issue the
 32 individual a new driver's license.
 33 (2) An individual whose learner's permit has been suspended or
 34 revoked until the time the bureau is authorized under Indiana law
 35 to issue the individual a new learner's permit.
 36 (3) An individual who, in the opinion of the bureau, is afflicted
 37 with or suffering from a physical or mental disability or disease
 38 that prevents the individual from exercising reasonable and
 39 ordinary control over a motor vehicle while operating the motor
 40 vehicle on a highway.
 41 (4) An individual who is unable to understand highway warnings
 42 or direction signs written in the English language.



- 1 (5) An individual who is required under this article to take an
- 2 examination unless:
- 3 (A) the individual successfully passes the examination; or
- 4 (B) the bureau waives the examination requirement.
- 5 (6) An individual who is required under IC 9-25 or any other
- 6 statute to deposit or provide proof of financial responsibility and
- 7 who has not deposited or provided that proof.
- 8 (7) An individual when the bureau has good cause to believe that
- 9 the operation of a motor vehicle on a highway by the individual
- 10 would be inimical to public safety or welfare.
- 11 (8) An individual who is the subject of an order issued by:
- 12 (A) a court under IC 31-16-12-7 (or IC 31-1-11.5-13,
- 13 IC 31-6-6.1-16, or IC 31-14-12-4 before their repeal); or
- 14 (B) the Title IV-D agency;
- 15 ordering that a driver's license or permit not be issued to the
- 16 individual.
- 17 (9) An individual who has not presented valid documentary
- 18 evidence to the bureau of the individual's legal status in the
- 19 United States, as required by IC 9-24-9-2.5.
- 20 (10) An individual who does not otherwise satisfy the
- 21 requirements of this article.
- 22 (b) An individual subject to epileptic seizures may not be denied a
- 23 driver's license or permit under this section if the individual presents
- 24 a statement from a licensed physician **or an advanced practice**
- 25 **registered nurse**, on a form prescribed by the bureau, that the
- 26 individual is under medication and is free from seizures while under
- 27 medication.
- 28 SECTION 27. IC 9-24-14-3.5, AS AMENDED BY P.L.111-2021,
- 29 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 JULY 1, 2022]: Sec. 3.5. (a) **If a valid computerized image or digital**
- 31 **photograph of an individual exists within the records of the**
- 32 **bureau**, an individual may apply for a replacement driver's license or
- 33 learner's permit by electronic service. ~~subject to the following~~
- 34 ~~conditions:~~
- 35 (1) ~~A valid computerized image or digital photograph of the~~
- 36 ~~individual must exist within the records of the bureau.~~
- 37 (2) ~~The individual must be a citizen of the United States; as~~
- 38 ~~shown in the records of the bureau.~~
- 39 (b) An individual applying for a replacement of a driver's license or
- 40 a learner's permit must apply in person at a license branch if the
- 41 individual is not entitled to apply by mail or by electronic service under
- 42 subsection (a).



1 SECTION 28. IC 9-30-3-8.5, AS ADDED BY P.L.86-2021,
 2 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 8.5. (a) Upon receipt by the bureau of a notice of
 4 suspension for failure to satisfy a judgment under section 8 of this
 5 chapter, the bureau shall send a request for proof of future financial
 6 responsibility to the person.

7 (b) During the three (3) years following a suspension under section
 8 of this chapter, the person's driving privileges remain suspended
 9 unless the person:

10 (1) satisfies the judgment; or

11 (2) provides proof of future financial responsibility under IC 9-25.

12 (c) Upon receipt of proof of future financial responsibility, the
 13 bureau shall stay a suspension under section 8 of this chapter.

14 (d) If at any time during the three (3) years following a suspension
 15 under section 8 of this chapter, a person:

16 (1) has provided proof of future financial responsibility under
 17 IC 9-25; and

18 (2) fails to maintain proof of future financial responsibility;

19 the bureau shall suspend the person's driving privileges until the person
 20 provides proof of future financial responsibility under IC 9-25 or the
 21 suspension is terminated by the bureau.

22 (e) The bureau shall waive reinstatement fees for a suspension under
 23 section 8 of this chapter if the person:

24 (1) satisfies the judgment; or

25 (2) maintains proof of financial responsibility for three (3) years.

26 **(f) For a suspension for failure to satisfy a judgment under**
 27 **section 8 of this chapter imposed before December 31, 2021, the**
 28 **suspension terminates on December 31, 2024.**

29 SECTION 29. IC 9-32-5-6, AS AMENDED BY P.L.198-2016,
 30 SECTION 625, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2022]: Sec. 6. ~~(a)~~ If a dealer purchases or
 32 acquires ownership of a motor vehicle in a state that does not have a
 33 certificate of title law, the dealer shall apply for an Indiana certificate
 34 of title for the motor vehicle not more than forty-five (45) days after the
 35 date of purchase or the date ownership of the motor vehicle was
 36 acquired.

37 ~~(b) The bureau shall collect an administrative penalty as provided~~
 38 ~~in IC 9-17-2-14.7 if a dealer fails to apply for a certificate of title for a~~
 39 ~~motor vehicle as described in subsection (a).~~

40 SECTION 30. IC 9-32-11-20, AS AMENDED BY P.L.245-2019,
 41 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2022]: Sec. 20. (a) This section does not apply to:



- 1 (1) a manufacturer of a trailer or semitrailer; or
 2 (2) a manufacturer that produces fewer than one thousand (1,000)
 3 units per year.

4 **(b) Except as provided in subsection (d) or under**
 5 **IC 9-32-13-23(a)(3), a manufacturer or distributor may not sell or**
 6 **offer to sell, directly or indirectly, a new motor vehicle to the**
 7 **general public in Indiana except through a new motor vehicle**
 8 **dealer holding a franchise for the line make covering the new**
 9 **motor vehicle. This subsection does not apply to the sales of new**
 10 **motor vehicles by a manufacturer or franchisor to:**

- 11 (1) the federal government;
 12 (2) a charitable organization; or
 13 (3) an employee of the manufacturer or distributor.

14 ~~(b)~~ (c) Except as provided in subsection ~~(c)~~; (d), a manufacturer or
 15 distributor may not engage in sales directly to the general public in
 16 Indiana.

17 ~~(c)~~ (d) A manufacturer or distributor may engage in sales directly
 18 to the general public in Indiana only if:

- 19 (1) the manufacturer or distributor was granted an initial license
 20 to sell new motor vehicles before July 1, 2015; and
 21 (2) the manufacturer or distributor establishes at least one (1)
 22 physical location in Indiana that is a warranty repair service
 23 center before January 1, 2018.

24 ~~(d)~~ (e) A manufacturer or distributor described in subsection ~~(d)~~ (d)
 25 must stop engaging in sales directly to the general public in Indiana if
 26 the manufacturer or distributor sells, transfers, or conveys a majority
 27 interest in the manufacturer or distributor to another person that is
 28 required to be licensed under this chapter.

29 (e) For purposes of this subsection, "subscription program" means
 30 a subscription service that, for a recurring fee and for a limited period
 31 of time, allows a participating person exclusive use of a motor vehicle
 32 owned by an entity that controls or contracts with the subscription
 33 service. The term does not include leases, short term motor vehicle
 34 rentals, or services that allow short term sharing of a motor vehicle.
 35 Subscription programs are prohibited in Indiana. This subsection
 36 expires on May 1, 2020.

37 SECTION 31. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1167, 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 14, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 21. IC 9-21-8-47, AS AMENDED BY P.L.210-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 47. (a) The following vehicles must be moved or operated so as to avoid any material damage to the highway or unreasonable interference with other highway traffic:

- (1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.
- (2) Farm drainage machinery.
- (3) Implements of agriculture.
- (4) Firefighting apparatus owned or operated by a political subdivision or a volunteer fire department (as defined in IC 36-8-12-2).
- (5) Farm vehicles loaded with farm products.

(b) For purposes of this section, interference with other highway traffic is considered unreasonable if the interference occurs for more than ten (10) consecutive minutes."

Page 16, after line 26, begin a new paragraph and insert:

"SECTION 25. IC 9-32-11-20, AS AMENDED BY P.L.245-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. (a) This section does not apply to:

- (1) a manufacturer of a trailer or semitrailer; or
- (2) a manufacturer that produces fewer than one thousand (1,000) units per year.

(b) Except as provided in subsection (d), a manufacturer or distributor may not sell or offer to sell, directly or indirectly, a new motor vehicle to the general public in Indiana except through a new motor vehicle dealer holding a franchise for the line make covering the new motor vehicle. This subsection does not apply to the sales of new motor vehicles by a manufacturer or franchisor to:

- (1) the federal government;**
- (2) a charitable organization;**
- (3) an employee of the manufacturer or distributor; or**
- (4) a manufacturer or distributor under IC 9-32-13-23(a)(3).**

~~(b)~~ **(c)** Except as provided in subsection ~~(e)~~, **(d)**, a manufacturer or distributor may not engage in sales directly to the general public in



Indiana.

~~(c)~~ (d) A manufacturer or distributor may engage in sales directly to the general public in Indiana only if:

- (1) the manufacturer or distributor was granted an initial license to sell new motor vehicles before July 1, 2015; and
- (2) the manufacturer or distributor establishes at least one (1) physical location in Indiana that is a warranty repair service center before January 1, 2018.

~~(d)~~ (e) A manufacturer or distributor described in subsection ~~(c)~~ (d) must stop engaging in sales directly to the general public in Indiana if the manufacturer or distributor sells, transfers, or conveys a majority interest in the manufacturer or distributor to another person that is required to be licensed under this chapter.

~~(e)~~ For purposes of this subsection, "subscription program" means a subscription service that, for a recurring fee and for a limited period of time, allows a participating person exclusive use of a motor vehicle owned by an entity that controls or contracts with the subscription service. The term does not include leases, short term motor vehicle rentals, or services that allow short term sharing of a motor vehicle. Subscription programs are prohibited in Indiana. This subsection expires on May 1, 2020."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1167 as introduced.)

PRESSEL

Committee Vote: yeas 11, nays 0.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1167 be amended to read as follows:

Page 14, line 24, after "minutes." insert "**This subsection does not apply to a vehicle in subsection (a)(1) or (a)(4).**".

Page 15, line 7, reset in roman "or a certificate of mailing".

Page 15, between lines 12 and 13, begin a new paragraph and insert:
"SECTION 23. IC 9-22-5-3, AS AMENDED BY P.L.198-2016,
SECTION 408, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The application required under section 2 of this chapter shall be made in a manner prescribed by the bureau and filed with the bureau.

(b) The application required by section 2 of this chapter must include the following:

- (1) The name and address of the applicant.
- (2) The year, make, model, and vehicle identification number of the vehicle, if ascertainable, together with any other identifying features.
- (3) A concise statement of the facts surrounding the abandonment of the vehicle, that the title of the vehicle is faulty, lost, or destroyed, or the reasons for disposal of the vehicle.
- (4) An affidavit executed by the applicant stating that the facts alleged in the application are true and that no material fact has been withheld.

(c) The bureau shall issue a certificate of authority if:

- (1) the bureau determines that the application satisfies the requirements of this chapter; and
- (2) the applicant pays a fee of four dollars (\$4) for each certificate of authority.

The fee under subdivision (2) shall be deposited in the motor vehicle highway account.

(d) The bureau shall process an electronic application for a certificate of authority not more than five (5) business days after the submission of the application if the application meets the requirements under section 2 of this chapter or under this section.

~~(d)~~ **(e)** A certificate of authority issued under this chapter must contain the following information:

- (1) The name and address of the person that filed the application required under section 2 of this chapter.
- (2) The year, make, model, and vehicle identification number, if ascertainable, together with any other identifying features of the vehicle that has been authorized to be sold for scrap metal."

Page 16, between lines 32 and 33, begin a new paragraph and insert:
 "SECTION 26. IC 9-30-3-8.5, AS ADDED BY P.L.86-2021, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 8.5. (a) Upon receipt by the bureau of a notice of suspension for failure to satisfy a judgment under section 8 of this chapter, the bureau shall send a request for proof of future financial responsibility to the person.

(b) During the three (3) years following a suspension under section 8 of this chapter, the person's driving privileges remain suspended



unless the person:

- (1) satisfies the judgment; or
- (2) provides proof of future financial responsibility under IC 9-25.

(c) Upon receipt of proof of future financial responsibility, the bureau shall stay a suspension under section 8 of this chapter.

(d) If at any time during the three (3) years following a suspension under section 8 of this chapter, a person:

- (1) has provided proof of future financial responsibility under IC 9-25; and
- (2) fails to maintain proof of future financial responsibility;

the bureau shall suspend the person's driving privileges until the person provides proof of future financial responsibility under IC 9-25 or the suspension is terminated by the bureau.

(e) The bureau shall waive reinstatement fees for a suspension under section 8 of this chapter if the person:

- (1) satisfies the judgment; or
- (2) maintains proof of financial responsibility for three (3) years.

(f) For a suspension for failure to satisfy a judgment under section 8 of this chapter imposed before December 31, 2021, the suspension terminates on December 31, 2024."

Page 17, line 8, after "(d)" insert "**or under IC 9-32-13-23(a)(3)**".

Page 17, line 15, after "organization;" insert "**or**".

Page 17, line 16, delete "distributor; or" and insert "**distributor**".

Page 17, delete line 17.

Renumber all SECTIONS consecutively.

(Reference is to HB 1167 as printed January 13, 2022.)

PRESSEL

HOUSE MOTION

Mr. Speaker: I move that House Bill 1167 be amended to read as follows:

Page 15, line 7, reset in roman "or a certificate of mailing".

Page 15, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 23. IC 9-22-6-2, AS AMENDED BY P.L.157-2017, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A person that performs labor, furnishes materials or storage, or does repair work on a vehicle at the request of

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the owner of the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) A person that provides towing services for a vehicle at the request of the owner of the vehicle has a mechanic's lien on the vehicle for the reasonable value of the charges for the towing services and other related costs.

(c) A person that has a mechanic's lien on a vehicle under subsection (a) or (b) may advertise the vehicle for sale if the person followed the procedures described in IC 9-22-1-19 and if:

- (1) the charges made under subsection (a) or (b) are not paid; and
- (2) the vehicle is not claimed;

within thirty (30) days after the date on which the vehicle is left in or comes into the possession of the person for repairs, storage, towing, or the furnishing of materials. The vehicle may not be sold until the later of fifteen (15) days after the date the advertisement required by subsection (d) has been placed or fifteen (15) days after notice required by subsection (e) has been sent.

(d) Before a vehicle may be sold under subsection (c) or under IC 9-22-1-21.5, an advertisement must be placed in a newspaper that is printed in English and of general circulation in the city or town in which the lienholder's place of business is located. If the lienholder is located outside the corporate limits of a city or a town, the advertisement must be placed in a newspaper of general circulation in the county in which the place of business of the lienholder is located. The advertisement must contain at least the following information:

- (1) A description of the vehicle, including make, year, and manufacturer's identification number.
- (2) The amount of the unpaid charges.
- (3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person that holds the mechanic's lien under this section or under IC 9-22-1-21.5(c) must notify the owner of the vehicle and any other person that holds a lien of record, as indicated on the certificate of title of the vehicle or discovered as a result of the search described in IC 9-22-1-19, by certified mail, return receipt requested, at the last known address of the owner or person, as applicable, that the vehicle will be sold at public auction on a specified date to satisfy the mechanic's lien imposed by this section. If the person who holds the mechanic's lien has proof that the notice was mailed to the owner of the vehicle **and any person who holds a lien of record** in accordance with this subsection, actual receipt of the notice ~~by the owner of the~~



vehicle is not required. Actual receipt of the notice by any other person that holds a lien of record is required unless a properly addressed notice is refused by the addressee or is otherwise returned to the sender as undeliverable.

(f) A person that holds a mechanic's lien of record on a vehicle subject to sale under this section or under IC 9-22-1-21.5 may pay the storage, repair, towing, or service charges due. If the person that holds the mechanic's lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person that owns a vehicle or the lienholder of a vehicle subject to sale under this section or under IC 9-22-1-21.5 does not claim the vehicle and satisfy the mechanic's lien on the vehicle, the vehicle may be sold at public sale or public auction to the highest and best bidder. A person that holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person that holds a mechanic's lien under this section or under IC 9-22-1-21.5 may deduct and retain the amount of the mechanic's lien, the sale disposal costs, and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the mechanic's lien, the sale disposal costs, and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person that holds the first lien of record, as indicated on the certificate of title, of the vehicle. If there is no lien of record, the person shall pay the surplus of the purchase price to the owner of the vehicle, if the owner's address or whereabouts are known. If the address or whereabouts are not known and there is no lien of record, the surplus of the purchase price shall be sent to:

- (1) the abandoned vehicle fund of the city, county, or town from which the vehicle was towed, for vehicles subject to IC 9-22-1; or
- (2) the clerk of courts, for all other vehicles, in the jurisdiction in which the business of the person that holds the mechanic's lien is located, for the use and benefit of the owner of the vehicle.

(i) The person that holds the first lien of record may deduct and retain the amount of the lien of record from the surplus purchase price transferred to the person under subsection (h). After deducting the amount of the lien of record from the surplus purchase price transferred to the person under subsection (h), the person that holds the first lien of record shall pay any remaining surplus to the owner of the vehicle, if the owner's address or whereabouts are known. If the address or whereabouts of the owner of the vehicle are not known, the surplus of



the purchase price shall be sent to:

- (1) the abandoned vehicle fund of the city, county, or town from which the vehicle was towed, for vehicles subject to IC 9-22-1; or
- (2) the clerk of the courts for all other vehicles, in the jurisdiction in which the business of the person that holds the mechanic's lien is located, for the use and benefit of the owner of the vehicle.

(j) A person that holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section or under IC 9-22-1-21.5 a sales certificate in the form designated by the bureau, setting forth the following information:

- (1) The facts of the sale.
- (2) The vehicle identification number.
- (3) The certificate of title if available.
- (4) A certification from the newspaper showing that the advertisement was made as required under subsection (d).
- (5) Any other information that the bureau requires.

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

(k) A person that violates this section commits a Class A infraction."

Renumber all SECTIONS consecutively.

(Reference is to HB 1167 as printed January 13, 2022.)

AUSTIN

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1167, 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 7, between lines 21 and 22, begin a new paragraph and insert:
 "SECTION 6. IC 9-17-5-6, AS ADDED BY P.L.81-2021, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) As used in this section, "qualified service provider" means a person able to provide electronic lien or electronic title services in coordination with vehicle lienholders and state

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departments of motor vehicles.

(b) As used in this section, "qualified vendor" refers to a person with whom the bureau contracts to:

- (1) develop;
- (2) implement; and
- (3) provide ongoing support with respect to;

a statewide electronic lien and title system under this section.

(c) As used in this section, "statewide electronic lien and title system" or "system" means a statewide electronic lien and title system implemented by the bureau under this section to process:

- (1) vehicle titles;
- (2) certificate of title data in which a lien is notated; and
- (3) the notification, maintenance, and release of security interests in vehicles;

through electronic means instead of paper documents.

(d) Not later than the dates set forth in subsection (h), the bureau shall implement a statewide electronic lien and title system for the following purposes:

- (1) To facilitate and promote commerce and governmental transactions by validating and authorizing the use of electronic records.
- (2) To modernize the law and eliminate barriers to electronic commerce and governmental transactions resulting from uncertainties related to handwritten and other written materials.
- (3) To promote uniformity of the law among the states relating to the use of electronic and similar technological means of effecting and performing commercial and governmental transactions.
- (4) To promote public confidence in the validity, integrity, and reliability of electronic commerce and governmental transactions.
- (5) To promote the development of the legal and business infrastructure necessary to implement electronic commerce and governmental transactions.

(e) The bureau may:

- (1) contract with one (1) or more qualified vendors to develop and implement a statewide electronic lien and title system; or
- (2) develop and make available to qualified service providers a well defined set of information services that will enable secure access to the data and internal application components necessary to facilitate the creation of a statewide electronic lien and title system.

(f) If the bureau elects under subsection (e)(1) to contract with one (1) or more qualified vendors to develop and implement a statewide



electronic lien and title system, the following apply:

(1) The bureau shall issue a competitive request for proposals to assess the qualifications of any vendor seeking to develop, implement, and provide ongoing support for the system. The bureau may reserve the right to receive input concerning specifications for the establishment and operation of the system from parties that do not respond to the bureau's request for proposals.

(2) A contract entered into between the bureau and a qualified vendor may not provide for any costs or charges payable by the bureau to the qualified vendor. The qualified vendor shall reimburse the bureau for any reasonable and documented costs incurred by the bureau and directly associated with the development, implementation, or ongoing support of the system.

(3) Upon implementing a statewide electronic lien and title system under this section, the qualified vendor may charge participating lienholders or their agents a fee for each lien notification transaction provided through the system, in order to recover the qualified vendor's costs associated with the development, implementation, and ongoing administration of the system. A lien notification fee under this subdivision must be consistent with market pricing and may not exceed three dollars and fifty cents (\$3.50). The qualified vendor may not charge lienholders or their agents any additional fee for lien releases, assignments, or transfers. The qualified vendor may not charge a fee under this subdivision to a state agency or its agents for lien notification, lien release, lien assignment, or lien transfer. To recover their costs associated with the lien, participating lienholders or their agents may charge:

(A) the borrower in a vehicle loan; or

(B) the lessee in a vehicle lease;

an amount equal to any lien notification fee imposed by the qualified vendor under this subdivision, plus a fee in an amount not to exceed three dollars (\$3) for each electronic transaction in which a lien is notated.

(4) A qualified vendor may also serve as a qualified service provider to motor vehicle lienholders if the following conditions are met:

(A) The contract between the bureau and the qualified vendor must include provisions specifically prohibiting the qualified vendor from using information concerning vehicle titles for any commercial, marketing, business, or other purpose not



specifically contemplated by this chapter.

(B) The contract between the bureau and the qualified vendor must include an acknowledgment by the qualified vendor that the qualified vendor is required to enter into agreements to exchange electronic lien data with any:

(i) qualified service providers that offer electronic lien or title services in Indiana and that have been approved by the bureau for participation in the system; and

(ii) qualified service providers that are not qualified vendors.

(C) The bureau must periodically monitor the fees charged by a qualified vendor that also:

(i) serves as a qualified service provider to lienholders; or

(ii) provides services as a qualified vendor to other qualified service providers;

to ensure that the qualified vendor is not engaging in predatory pricing.

(g) If the bureau elects under subsection (e)(2) to develop an interface to provide qualified service providers secure access to data to facilitate the creation of a statewide electronic lien and title system, the following apply:

(1) The bureau shall establish:

(A) the total cost to develop the statewide electronic lien and title system by July 1, ~~2021~~; **2022**;

(B) qualifications for third party service providers offering electronic lien services; and

(C) a qualification process to:

(i) evaluate electronic lien and title system technologies developed by third party service providers; and

(ii) determine whether such technologies comply with defined security and platform standards.

(2) Not later than ~~February~~ **July** 1, 2022, the bureau shall publish on the bureau's Internet web site the qualifications established by the bureau under subdivision (1). A third party service provider that seeks to become qualified by the bureau under this subsection must demonstrate the service provider's qualifications, in the form and manner specified by the bureau, not later than thirty (30) days after the date of the bureau's publication under this subdivision. After the elapse of the thirty (30) day period during which third party service providers may respond to the bureau's publication under this subdivision, the bureau shall notify each responding third party service provider as to:

(A) the total cost to develop the system, as determined by



the bureau under subdivision (1); and

(B) whether the third party service provider has met the qualifications established by the bureau under subdivision (1) and is approved to participate in the statewide electronic lien and title system.

(3) Not later than thirty (30) days after receiving a notice of approval from the bureau under subdivision (2), each qualified service provider shall remit to the bureau a payment in an amount equal to the total development costs of the system divided by the total number of qualified service providers participating in the system. **notify the bureau of the qualified service provider's intention to participate in the statewide electronic lien and title system.**

(4) If a third party service provider that did not:

(A) submit proof of its qualifications under subdivision (2); or

(B) pay initial development costs under subdivision (3);

later wishes to participate in the system, the third party service provider may apply to the bureau to participate in the system. The bureau shall allow the third party service provider to participate in the system if the third party service provider meets the qualifications established by the bureau under subdivision (1) and pays to the department the third party service provider's proportional share of the system development costs.

(5) Each qualified service provider shall remit to the bureau, on a date prescribed by the bureau, an annual fee established by the bureau and not to exceed three thousand dollars (\$3,000); to be used for the operation and maintenance of the system.

(4) Upon implementing a statewide electronic lien and title system under this section, the bureau may charge participating service providers or their agents a fee for each lien transaction provided through the system in order to recover the bureau's costs associated with the development, implementation, and ongoing administration of the system. A fee under this subdivision must be consistent with market pricing and may not exceed three dollars and twenty-five cents (\$3.25). A fee collected under this subdivision shall be deposited in the commission fund. Fees collected by the bureau for the implementation of a statewide electronic lien and title system are limited to those contained in this subdivision. This subdivision expires July 1, 2025.

~~(6)~~ (5) A contract entered into between the bureau and a qualified service provider may not provide for any costs or charges payable



by the bureau to the qualified service provider.

~~(7)~~ **(6)** Upon the implementation of a statewide electronic lien and title system under this section, a qualified service provider may charge participating lienholders or their agents transaction fees consistent with market pricing **in addition to the fees described in subdivision 4**. A fee under this subdivision may not be charged to a state agency or its agents for lien notification, lien release, lien assignment, or lien transfer. **To recover their costs associated with a lien, participating lienholders or their agents may charge:**

(A) the borrower in a vehicle loan; or

(B) the lessee in a vehicle lease;

an amount equal to any fee imposed by a qualified service provider under this subdivision, plus a fee in an amount not to exceed three dollars (\$3) for each electronic transaction in which a lien is notated.

~~(8)~~ **(7)** The contract between the bureau and a qualified service provider must include provisions specifically prohibiting the qualified service provider from using information concerning vehicle titles for any commercial, marketing, business, or other purpose not specifically contemplated by this chapter.

(h) Subject to subsection (i), the bureau shall implement, and allow or require the use of, a statewide electronic lien and title system under this section as follows:

(1) A statewide electronic lien system that is capable of processing:

(A) certificate of title data in which a lien is notated; and

(B) the notification, maintenance, and release of security interests in vehicles;

through electronic means must be made available for voluntary use by vehicle lienholders not later than ~~February~~ **July 1, 2022**.

(2) Subject to subsection (j)(5), the bureau shall require that the statewide electronic lien system made available under subdivision

(1) be used for processing:

(A) certificate of title data in which a lien is notated; and

(B) the notification, maintenance, and release of security interests in vehicles;

after June 30, ~~2022~~: **2023**.

(3) A statewide electronic title system capable of processing vehicle titles through electronic means must be made available for voluntary use by vehicle dealers, lienholders, and owners not later than July 1, ~~2022~~: **2025**.



(4) The bureau shall require that the statewide electronic title system made available under subdivision (3) be used for processing vehicle titles after June 30, ~~2023~~ **2026**.

(i) Subsection (h) does not prohibit the bureau or any:

(1) qualified vendor with whom the bureau contracts under subsection (f); or

(2) qualified service provider with whom the bureau contracts under subsection (g);

from implementing, making available, or requiring the use of a statewide electronic lien system described in subsection (h)(1) at the same time as, or in conjunction with, a statewide electronic title system described in subsection (h)(3), or from implementing, making available, or requiring the use of a statewide electronic lien system described in subsection (h)(1) or a statewide electronic title system described in subsection (h)(3) before the applicable dates otherwise set forth in subsection (h).

(j) The following apply to the use of a statewide electronic lien system described in subsection (h)(1):

(1) Notwithstanding section 5(b) of this chapter, if there are one (1) or more liens or encumbrances on a motor vehicle, the bureau may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the bureau and must include the name and address of the person satisfying the lien.

(2) Whenever the electronic transmission of lien notifications and lien satisfactions is used, a certificate of title need not be issued until the last lien is satisfied and a clear certificate of title can be issued to the owner of the motor vehicle. The bureau may print or issue electronically the clear certificate of title to the owner or subsequent assignee of the motor vehicle.

(3) If a motor vehicle is subject to an electronic lien, the certificate of title for the motor vehicle is considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements.

(4) A certified copy of the bureau's electronic record of a lien is admissible in any civil, criminal, or administrative proceeding in Indiana as evidence of the existence of the lien. If a certificate of title is maintained electronically in a statewide electronic title system described in subsection (h)(3), a certified copy of the bureau's electronic record of the certificate of title is admissible in any civil, criminal, or administrative proceeding in Indiana as



evidence of the existence and contents of the certificate of title.

(5) All individuals and lienholders who conduct at least twelve (12) lien transactions annually must use the statewide electronic lien and title system implemented under this section to record information concerning the perfection and release of a security interest in a vehicle.

(6) An electronic notice or release of a lien made through the statewide electronic lien and title system implemented under this section has the same force and effect as a notice or release of a lien made on a paper document.

(7) The bureau may convert an existing paper lien to an electronic lien upon request of the primary lienholder. The bureau, or a third party contracting with the bureau under this section, is authorized to collect a fee not to exceed three dollars (\$3) for each conversion performed under this subdivision. A fee under this subdivision may not be charged to a state agency or its agents.

(8) Notwithstanding section 5 of this chapter, any requirement that a security interest or other information appear on a certificate of title is satisfied by the inclusion of that information in an electronic file maintained in an electronic title system.

(k) Nothing in this section precludes the bureau from collecting a title fee for the preparation and issuance of a title.

(l) The bureau may adopt rules under IC 4-22-2 to implement this section, including emergency rules in the manner provided by IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted by the bureau under this subsection and in the manner provided by IC 4-22-2-37.1 expires on the date on which a rule that supersedes the emergency rule is adopted by the bureau under IC 4-22-2-24 through IC 4-22-2-36."

Page 22, after line 2, begin a new paragraph and insert:

"SECTION 31. **An emergency is declared for this act.**"

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 HB 1167 as reprinted January 25, 2022.)

CRIDER, Chairperson

Committee Vote: Yeas 9, Nays 0.

EH 1167—LS 7095/DI 139

