

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1167

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 6-1.1-7-10, AS AMENDED BY P.L.235-2017, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 10. (a) This section does not apply to a mobile home that is offered for sale at auction under IC 9-22-1.5, IC 9-22-1.7, or IC 6-1.1-23.5 for the transfer resulting from the auction.

(b) As used in this section, "official seal" has the meaning set forth in IC 33-42-0.5-21.

~~(b)~~ (c) A mobile home may not be moved from one (1) location to another unless the owner or the owner's agent obtains a permit to move the mobile home from the county treasurer.

~~(c)~~ (d) The bureau of motor vehicles may not:

(1) transfer the title to a mobile home; or

(2) change names in any manner on the title to a mobile home;

unless the owner or the owner's agent holds a valid permit to transfer the title that was issued by the county treasurer and includes the county treasurer's ~~embossed~~ **official seal**.

~~(d)~~ (e) A county treasurer shall issue a permit which is required to either move, or transfer the title to, a mobile home if the taxes, special assessments, interest, penalties, judgments, and costs that are due and payable on the mobile home have been paid and the person requesting the permit has a state issued title, a court order, or a bureau of motor vehicles affidavit of sale or disposal. The county treasurer shall issue the permit not later than two (2) business days (excluding weekends

HEA 1167 — Concur



and holidays) after the date the completed permit application is received by the county treasurer. The permit shall state the date it is issued.

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

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

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

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

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

SECTION 3. IC 8-2.1-24-18, AS AMENDED BY P.L.198-2016, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 18. (a) 49 CFR Parts 40, 375, 380, 382 through 387, 390 through 393, and 395 through 398 are incorporated into Indiana law by reference, and, except as provided in subsections (d), (e), (f), (g), and (j), must be complied with by an interstate and intrastate motor carrier of persons or property throughout Indiana. Intrastate motor carriers subject to compliance reviews under 49 CFR 385 shall be selected according to criteria determined by the superintendent which must include but are not limited to factors such as previous history of violations found in roadside compliance checks and other recorded violations. However, the provisions of 49 CFR 395 that regulate the hours of service of drivers, including requirements for the maintenance of logs, do not apply to a driver of a truck that is registered by the bureau of motor vehicles and used as a farm truck under IC 9-18 (before its expiration) or IC 9-18.1-7 or a vehicle operated in intrastate construction or construction related service, or



the restoration of public utility services interrupted by an emergency. Except as provided in subsection (i) and (j):

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

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

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

(1) private carrier;

(2) common carrier;

(3) contract carrier;

(4) motor carrier of property, intrastate;

(5) hazardous material shipper; and

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

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

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

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

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

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

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

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

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

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

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

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

(A) before January 1, 1991, has successfully completed a



course of instruction approved by the United States Department of Transportation; and

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

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

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

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

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

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

(A) is not otherwise physically disqualified under Subpart 391.41 to operate a motor vehicle, whether or not any additional disqualifying condition results from the diabetic condition, and is not likely to suffer any diminution in driving ability due to the driver's diabetic condition;

(B) is free of severe hypoglycemia or hypoglycemia unawareness and has had less than one (1) documented, symptomatic hypoglycemic reaction per month;

(C) has demonstrated the ability and willingness to properly monitor and manage the driver's diabetic condition;

(D) has agreed to and, to the endocrinologist's, ~~or~~ treating physician's, **or treating advanced practice registered**



nurse's knowledge, has carried a source of rapidly absorbable glucose at all times while driving a motor vehicle, has self monitored blood glucose levels one (1) hour before driving and at least once every four (4) hours while driving or on duty before driving using a portable glucose monitoring device equipped with a computerized memory; and

(E) has submitted the blood glucose logs from the monitoring device to the endocrinologist, ~~or~~ treating physician, **or treating advanced practice registered nurse** at the time of the annual medical examination.

A copy of the blood glucose logs shall be filed along with the annual statement from the endocrinologist, ~~or~~ treating physician, **or treating advanced practice registered nurse** with the bureau of motor vehicles for review by the driver licensing medical advisory board established under IC 9-14-11. A copy of the annual statement shall also be provided to the driver's employer for retention in the driver's qualification file, and a copy shall be retained and held by the driver while driving for presentation to an authorized federal, state, or local law enforcement official. Notwithstanding the requirements of this subdivision, the endocrinologist, the treating physician, **the treating advanced practice registered nurse**, the advisory board of the bureau of motor vehicles, or the bureau of motor vehicles may, where medical indications warrant, establish a short period for the medical examinations required under this subdivision.

(2) Subpart 396.9 as it applies to inspection of vehicles carrying or loaded with a perishable product. However, this exemption does not prohibit a law enforcement officer from stopping these vehicles for an obvious violation that poses an imminent threat of an accident or incident. The exemption is not intended to include refrigerated vehicles loaded with perishables when the refrigeration unit is working.

(3) Subpart 396.11 as it applies to driver vehicle inspection reports.

(4) Subpart 396.13 as it applies to driver inspection.

(h) For purposes of 49 CFR 395.1(k)(2), "planting and harvesting season" refers to the period between January 1 and December 31 of each year. The intrastate commerce exception set forth in 49 CFR 395.1(k), as it applies to the transportation of agricultural commodities and farm supplies, is restricted to single vehicles and cargo tank motor vehicles with a capacity of not more than five thousand four hundred (5,400) gallons.

(i) The requirements of 49 CFR 390.21 do not apply to an intrastate motor carrier or a guest operator not engaged in interstate commerce



and operating a motor vehicle as a farm vehicle in connection with agricultural pursuits usual and normal to the user's farming operation or for personal purposes unless the vehicle is operated either part time or incidentally in the conduct of a commercial enterprise.

(j) This section does not apply to private carriers that operate using only the type of motor vehicles specified in IC 8-2.1-24-3(6).

(k) The superintendent of state police may adopt rules under IC 4-22-2 governing the parts and subparts of 49 CFR incorporated by reference under this section.

SECTION 4. IC 9-14-10-1, AS AMENDED BY P.L.257-2017, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 1. The commission board shall do the following:

- (1) Recommend legislation needed to operate the license branches.
- (2) Recommend rules needed to operate the license branches.
- (3) Review budget proposals for the commission and the license branches operated under IC 9-14.1, including the budget required by IC 9-14.1-5-4 and IC 9-14.1-5-5.
- (4) Establish the determination criteria and determine the number and location of license branches to be operated under IC 9-14.1.
- (5) Establish and adopt minimum standards for the operation and maintenance of each physical or virtual location at which services are provided by a full service provider or partial services provider under IC 9-14.1.
- (6) Administer the commission fund established under IC 9-14-14-1.
- (7) Establish and maintain an audit working group composed of two (2) board members of the commission, excluding the commissioner, who are selected by and may be dismissed by the commissioner. A meeting of the audit working group is not subject to IC 5-14-1.5.**
- (8) Approve an internal audit charter and an audit plan at least one (1) time each year.**

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

(b) Each audit must be

- ~~(1) completed not more than ninety (90) days after commencement of the audit; and~~
- ~~(2) filed with the legislative services agency in an electronic format under IC 5-14-6 not more than thirty (30) days after completion of the audit.~~ **conducted as determined by an annual**



risk assessment and an audit plan.

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

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

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 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

HEA 1167 — Concur



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. This subdivision expires July 1, 2025.

~~(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.

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

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

- (1) IC 9-18.5-4 (prisoner of war license plates).
- (2) IC 9-18.5-5 (disabled Hoosier veteran license plates).
- (3) IC 9-18.5-6 (Purple Heart license plates).
- (4) IC 9-18.5-7 (National Guard license plates).
- (5) IC 9-18.5-8 (license plates for persons with disabilities).
- (6) IC 9-18.5-9 (amateur radio operator license plates).
- (7) IC 9-18.5-10 (civic event license plates).
- (8) IC 9-18.5-11 (In God We Trust license plates).
- (9) IC 9-18.5-12 (special group recognition license plates).
- (10) IC 9-18.5-13 (environmental license plates).
- (11) IC 9-18.5-14 (kids first trust license plates).



- (12) IC 9-18.5-15 (education license plates).
- (13) IC 9-18.5-16 (Indiana FFA trust license plates).
- (14) IC 9-18.5-17 (Indiana firefighter license plates).
- (15) IC 9-18.5-18 (Indiana boy scouts trust license plates).
- (16) IC 9-18.5-19 (D.A.R.E. Indiana trust license plates).
- (17) IC 9-18.5-20 (Indiana arts trust license plates).
- (18) IC 9-18.5-21 (Indiana health trust license plates).
- (19) IC 9-18.5-22 (Indiana Native American trust license plates).
- (20) IC 9-18.5-24 (Pearl Harbor survivor license plates).
- (21) IC 9-18.5-25 (Indiana state educational institution trust license plates).
- (22) IC 9-18.5-26 (Lewis and Clark expedition license plates).
- (23) IC 9-18.5-27 (Riley Children's Foundation license plates).
- (24) IC 9-18.5-28 (National Football League franchised professional football team license plates).
- (25) IC 9-18.5-29 (Hoosier veteran license plates).
- (26) IC 9-18.5-30 (support our troops license plates).
- (27) IC 9-18.5-31 (Abraham Lincoln's boyhood home license plates).
- ~~(28) IC 9-18.5-32 (Earlham College Trust license plates).~~
- ~~(29)~~ **(28)** IC 9-18.5-33 (Indiana Gold Star family member license plates).
- ~~(30)~~ **(29)** IC 9-18.5-35 (Armed Forces Expeditionary Medal license plates).
- ~~(31)~~ **(30)** A license plate issued under IC 9-18 (before its expiration) or IC 9-18.1.

SECTION 8. IC 9-18.5-12-13, AS AMENDED BY P.L.178-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13. (a) In order to continue participation in the special group recognition license plate program, a special group must:

- (1) sell at least five hundred (500) special group recognition license plates of the special group in the first two (2) years in which the license plate is offered for sale; and
- (2) maintain the sale or renewal of at least five hundred (500) special group recognition license plates during each subsequent year after the initial two (2) year period of sale.

(b) If the special group fails to sell or renew special group recognition license plates in the manner provided in subsection (a), the bureau shall place the issuance of the special group recognition license plates for the special group on probation for the subsequent year. If, in that subsequent year on probation, the special group fails to sell or renew at least five hundred (500) special group recognition license plates, the bureau shall terminate the participation of the special group in the special group recognition license plate program. If the special



group sells or renews at least five hundred (500) special group recognition license plates in the year on probation, the participation of the special group in the special group recognition license plate program is continued. A special group shall be afforded only one (1) probationary period under this subsection.

(c) The bureau may terminate the participation of a special group in the special group recognition license plate program if the special group:

- (1) ceases operations; or
- (2) fails to use the annual fee collected by the bureau in a manner consistent with the statement submitted by the special group under section 3(a)(9) of this chapter.

(d) A special group that desires to participate in the special group recognition license plate program after termination by the bureau under this section:

- (1) must follow the procedure set forth in section 3 of this chapter; **and**
- (2) **may not reapply to participate in the special group recognition license plate program for at least two (2) years after termination.**

(e) Upon termination under this section of a special group's participation in the special group recognition license plate program, the bureau shall distribute any money remaining in the trust fund established under section 14 of this chapter for the special group to the state general fund.

SECTION 9. IC 9-18.5-16-4, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The Indiana FFA trust fund is established.

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

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

(d) ~~On June 30 of each year,~~ The bureau shall distribute **at least one (1) time each month** the money from the fund to the FFA Foundation that is located within Indiana.

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

SECTION 10. IC 9-18.5-18-4, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The Indiana boy scouts trust fund is established.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 13. IC 9-18.5-21-4, AS ADDED BY P.L.198-2016, SECTION 327, IS AMENDED TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2022]: Sec. 4. (a) The Indiana health trust fund is established.

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

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

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

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

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

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

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

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

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

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

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

- (1) An annual supplemental fee of fifteen dollars (\$15) under IC 9-18.5-12-16.
- (2) An annual fee of not more than twenty-five dollars (\$25) as



provided in IC 9-18.5-12-14(d)(2) or IC 9-18.5-12-15(b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



- (B) A DD 214 or DD 215 record.
- (C) United States military discharge papers.
- (D) A current armed forces identification card.
- (E) A credential issued to the individual that contains an indication of veteran status under IC 9-24-11-5.5.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 22. IC 9-21-8-24 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JANUARY 1, 2023]: Sec. 24. (a) A person may not:

- (1) slow down or stop a vehicle;
- (2) turn a vehicle from a direct course upon a highway; or
- (3) change from one (1) traffic lane to another;

unless the movement can be made with reasonable safety.

(b) Before making a movement described in this section, a person shall ~~give~~ **provide notice of the person's intention by giving:**

- (1) a clearly audible **horn** signal ~~by sounding the horn~~ if any pedestrian may be affected by the movement; and
- (2) ~~give~~ an appropriate stop or turn signal in the manner provided in sections 27 through 28 of this chapter. ~~if any other vehicle may be affected by the movement.~~

SECTION 23. IC 9-21-8-25 IS REPEALED [EFFECTIVE JANUARY 1, 2023]. ~~Sec. 25: A signal of intention to turn right or left shall be given continuously during not less than the last two hundred (200) feet traveled by a vehicle before turning or changing lanes. A vehicle traveling in a speed zone of at least fifty (50) miles per hour shall give a signal continuously for not less than the last three hundred (300) feet traveled by the vehicle before turning or changing lanes.~~

SECTION 24. 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. This subsection does not apply to a vehicle in subsection (a)(1) or (a)(4).

SECTION 25. IC 9-22-1-19, AS AMENDED BY P.L.281-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 19. (a) Within three (3) business days after removal of a vehicle to a storage yard or towing service under section 13, 14, 16, or 31 of this chapter or IC 9-22-6, the public agency or towing service shall conduct a search of the National Motor Vehicle



Title Information System or an equivalent and commonly available data base to attempt to obtain the last state of record of the vehicle in order to attempt to ascertain the name and address of the person who owns or holds a lien on the vehicle.

(b) 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 (3) business days after obtaining the name and address, notify the ~~person who owns or holds a lien on the vehicle~~ **owner of the vehicle and any lienholder on the vehicle, as indicated by the certificate of title or discovered by a search under subsection (a)**, of the following:

- (1) The name, address, and telephone number of the public agency or towing service.
- (2) That storage charges are being accrued and the vehicle is subject to sale if the vehicle is not claimed and the charges are not paid.
- (3) The earliest possible date and location of the public sale or auction.

The notice must be made by certified mail or a certificate of mailing or by means of an electronic service approved by the bureau. Notwithstanding section 4 of this chapter, a public agency or towing service that fails to notify the owner of or lienholder on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained.

SECTION 26. IC 9-22-5-3, AS AMENDED BY P.L.198-2016, SECTION 408, IS AMENDED TO READ AS FOLLOWS [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.

SECTION 27. 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 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.

SECTION 28. IC 9-24-2-3, AS AMENDED BY P.L.198-2016, SECTION 424, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The bureau may not issue a driver's license or learner's permit or grant driving privileges to the following individuals:

- (1) An individual whose driving privileges have been suspended, during the period for which the driving privileges are suspended, or to an individual whose driver's license has been revoked, until the time the bureau is authorized under Indiana law to issue the



individual a new driver's license.

(2) An individual whose learner's permit has been suspended or revoked until the time the bureau is authorized under Indiana law to issue the individual a new learner's permit.

(3) An individual who, in the opinion of the bureau, is afflicted with or suffering from a physical or mental disability or disease that prevents the individual from exercising reasonable and ordinary control over a motor vehicle while operating the motor vehicle on a highway.

(4) An individual who is unable to understand highway warnings or direction signs written in the English language.

(5) An individual who is required under this article to take an examination unless:

(A) the individual successfully passes the examination; or

(B) the bureau waives the examination requirement.

(6) An individual who is required under IC 9-25 or any other statute to deposit or provide proof of financial responsibility and who has not deposited or provided that proof.

(7) An individual when the bureau has good cause to believe that the operation of a motor vehicle on a highway by the individual would be inimical to public safety or welfare.

(8) An individual who is the subject of an order issued by:

(A) a court under IC 31-16-12-7 (or IC 31-1-11.5-13, IC 31-6-6.1-16, or IC 31-14-12-4 before their repeal); or

(B) the Title IV-D agency;

ordering that a driver's license or permit not be issued to the individual.

(9) An individual who has not presented valid documentary evidence to the bureau of the individual's legal status in the United States, as required by IC 9-24-9-2.5.

(10) An individual who does not otherwise satisfy the requirements of this article.

(b) An individual subject to epileptic seizures may not be denied a driver's license or permit under this section if the individual presents a statement from a licensed physician **or an advanced practice registered nurse**, on a form prescribed by the bureau, that the individual is under medication and is free from seizures while under medication.

SECTION 29. IC 9-24-14-3.5, AS AMENDED BY P.L.111-2021, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3.5. (a) **If a valid computerized image or digital photograph of an individual exists within the records of the bureau**, an individual may apply for a replacement driver's license or learner's permit by electronic service. ~~subject to the following~~



conditions:

(1) A valid computerized image or digital photograph of the individual must exist within the records of the bureau.

(2) The individual must be a citizen of the United States, as shown in the records of the bureau.

(b) An individual applying for a replacement of a driver's license or a learner's permit must apply in person at a license branch if the individual is not entitled to apply by mail or by electronic service under subsection (a).

SECTION 30. 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.

SECTION 31. IC 9-30-16-4, AS AMENDED BY P.L.198-2016, SECTION 609, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) An individual whose driving privileges have been suspended by the bureau by an administrative action and not by a court order may petition a court for specialized driving privileges as described in section 3(b) through 3(d) of this chapter.



(b) A petition filed under this section must:

- (1) be verified by the petitioner;
- (2) state the petitioner's age, date of birth, and address;
- (3) state the grounds for relief and the relief sought;
- (4) be filed in the appropriate county, as determined under subsection (d);
- (5) be filed in a circuit or superior court; and
- (6) be served on the bureau and the prosecuting attorney.

(c) A prosecuting attorney shall appear on behalf of the bureau to respond to a petition filed under this section.

(d) An individual whose driving privileges are suspended in Indiana ~~must~~ **may** file a petition for specialized driving privileges. **The petition must be filed** as follows:

(1) **Except as provided in subdivision (2)**, if the individual is an Indiana resident, in the county in which the individual resides.

(2) If the individual is an Indiana resident and is subject to an active administrative suspension under this section in addition to an active court ordered suspension under section 3 or 3.5 of this chapter, in the court that has ordered or imposed a suspension of the individual's driving privileges.

~~(2)~~ (3) If the individual was an Indiana resident at the time the individual's driving privileges were suspended but is currently a nonresident, in the county in which the individual's most recent Indiana moving violation judgment was entered against the individual.

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

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

SECTION 33. 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) or under IC 9-32-13-23(a)(3), 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; or**
- (3) an employee of the manufacturer or distributor.**

~~(b)~~ **(c)** Except as provided in subsection ~~(c)~~, **(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 ~~(d)~~ **(e)** 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.

SECTION 34. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1167 — Concur

