



February 1, 2019

HOUSE BILL No. 1482

DIGEST OF HB 1482 (Updated January 30, 2019 9:29 am - DI 123)

Citations Affected: IC 9-13; IC 9-31; IC 9-32; IC 34-30; IC 35-52.

Synopsis: Dealer services. Provides that a broker is not defined as a lead generation or other marketing service except in certain instances. Defines "dealer owner" for a business entity. Moves certain provisions providing temporary license plates and dealer plates to the dealer services law. Removes the requirement that a person must be licensed by the secretary of state before the person may possess for more than 30 days more than two inoperable motor vehicles. Requires that an automotive salvage recycler must report a purchase of a motor vehicle to the National Motor Vehicle Title Information System within 72 hours. (Current law requires 30 days.) Requires an automotive salvage recycler to allow the secretary of state, a police officer, or an agent of the secretary of state to inspect a certificate of authority. Changes the composition of the motor vehicle sales advisory board (board). Allows the board members to be reappointed. Requires that a zoning affidavit or statement be signed not more than 90 days before the affidavit or statement is submitted to the secretary of state as part of an application for various permits and licenses. Requires a dealer to submit an application for approval of a change to a dealer manager. Removes the provision providing for a manufacturer or distributor to recover costs under a uniform warranty reimbursement policy in certain instances. Requires a copy of a contract between a manufacturer or distributor and a franchisee be provided to the secretary of state. (Current law requires that the copy be submitted to the bureau of motor vehicles.) Makes conforming changes. Makes technical changes.

Effective: July 1, 2019.

Sullivan, Forestal, Soliday

January 16, 2019, read first time and referred to Committee on Roads and Transportation.
January 31, 2019, amended, reported — Do Pass.

HB 1482—LS 7286/DI 132



February 1, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1482

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 9-13-2-192, AS AMENDED BY P.L.151-2015,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 192. "Unit", for purposes of IC 9-21-18,
4 ~~IC 9-32-9-3~~, IC 9-32-11-2, IC 9-32-11-6, **IC 9-32-11-11**, and
5 IC 9-32-11-11.5, **and IC 9-32-11-18**, has the meaning set forth in
6 IC 9-21-18-3.
- 7 SECTION 2. IC 9-31-3-5, AS AMENDED BY P.L.174-2016,
8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2019]: Sec. 5. A motorboat that has never been registered in
10 Indiana and that is purchased from a dealer licensed by the secretary of
11 state under IC 9-32-8 may be operated on the waters of Indiana for a
12 period of forty-five (45) days from the date of purchase if the operator
13 has in the operator's possession the following:
- 14 (1) A bill of sale from the dealer giving the purchaser's name and
15 address, the date of purchase, and the make and type of boat or
16 the hull identification number.
- 17 (2) A temporary license plate displayed on the forward portion of

HB 1482—LS 7286/DI 132



1 the boat, as provided in section 6 of this chapter **(before its**
 2 **repeal) or IC 9-32-8-7.**

3 SECTION 3. IC 9-31-3-6 IS REPEALED [EFFECTIVE JULY 1,
 4 2019]. Sec. 6: (a) The secretary of state may issue temporary license
 5 plates to a licensed dealer upon request:

6 (b) A temporary license plate described in subsection (a) must
 7 display the following information:

8 (1) The dealer's license number:

9 (2) The date of expiration, plainly stamped or stenciled on the
 10 temporary license plate.

11 (c) A temporary license plate may not be used or displayed unless
 12 the plate is furnished by the secretary of state.

13 (d) A dealer that authorizes the use of a temporary license plate
 14 under this section does not assume responsibility or incur liability for
 15 injury to a person or property during the period the temporary license
 16 plate is in effect.

17 SECTION 4. IC 9-31-3-19 IS REPEALED [EFFECTIVE JULY 1,
 18 2019]. Sec. 19: (a) A dealer licensed by the secretary of state under
 19 IC 9-32-8-2 may, upon application to the secretary of state, obtain a
 20 dealer plate and registration card for use in the testing or demonstrating
 21 of motorboats. Two (2) dealer plates must be displayed within a
 22 motorboat that is being tested or demonstrated while the motorboat is
 23 being tested or demonstrated:

24 (b) A transfer dealer or automobile auction licensed under IC 9-32
 25 may request dealer plates under subsection (a):

26 (c) The fee to obtain a dealer plate and registration card under
 27 subsection (a) is ten dollars (\$10). The secretary of state may retain the
 28 fee:

29 SECTION 5. IC 9-31-3-31 IS REPEALED [EFFECTIVE JULY 1,
 30 2019]. Sec. 31: (a) A person that knowingly or intentionally operates
 31 a watercraft displaying:

32 (1) a temporary license plate issued under section 6 of this chapter
 33 that is altered or reproduced; or

34 (2) a license plate that purports to be a temporary license plate
 35 issued under section 6 of this chapter;

36 commits a Class C misdemeanor:

37 (b) A person that, with the intent to defraud, obtains an altered
 38 temporary license plate described in subsection (a) commits a Class C
 39 misdemeanor:

40 SECTION 6. IC 9-32-2-6, AS AMENDED BY P.L.179-2017,
 41 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 6. (a) "Broker" means a person that, for a fee, a



1 commission, or other valuable consideration, arranges or offers to
 2 arrange a transaction involving the sale, for purposes other than resale,
 3 of a new or used motor vehicle and who is not, at any point in the
 4 transaction, the bona fide owner of the motor vehicle involved in the
 5 transaction.

6 (b) The term does not include:

7 (1) a dealer licensed under this article or an employee of a dealer
 8 licensed under this article acting in an employment arrangement
 9 with the dealer, if the motor vehicle being sold is a motor vehicle
 10 in the dealer's inventory or is subject to a consignment agreement
 11 between the dealer and the owner of the motor vehicle;

12 (2) a distributor licensed under this article, or an employee of a
 13 distributor licensed under this article and acting in an employment
 14 arrangement with the distributor, if the sale being arranged is a
 15 sale to a dealer licensed under this article; or

16 (3) a manufacturer licensed under this article, or an employee of
 17 a manufacturer licensed under this article and acting in an
 18 employment arrangement with the manufacturer, if the sale being
 19 arranged is a sale to a dealer licensed under this article; or

20 (4) a lead generation or other marketing service, if:

21 (A) the fee for the service is not based on whether the lead
 22 provided by the service generated a sale for the dealer; and

23 (B) the service does not have an active role in the
 24 negotiation of a sale, including negotiating the price of the
 25 motor vehicle.

26 SECTION 7. IC 9-32-2-9.9, AS ADDED BY P.L.179-2017,
 27 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2019]: Sec. 9.9. "Dealer owner" means the following:

29 (1) For a licensed or applicant dealer, other than a manufacturer,
 30 ~~that~~ **the following:**

31 (A) ~~Is~~ **If** a corporation, each officer, director, and shareholder
 32 having a ten percent (10%) or greater ownership interest in the
 33 corporation.

34 ~~(2)~~ (B) **If a corporation and it has** no officer, director, or
 35 shareholder ~~has~~ **having** a ten percent (10%) or greater
 36 ownership interest in the corporation, one (1) or more officers,
 37 directors, or shareholders designated in writing by the board
 38 of directors.

39 ~~(3)~~ (C) ~~If the licensed or applicant dealer, other than a~~
 40 ~~manufacturer,~~ is a sole proprietorship, the proprietor.

41 ~~(4)~~ (D) ~~If the licensed or applicant dealer, other than a~~
 42 ~~manufacturer,~~ is a partnership, each partner.



- 1 ~~(5) (E) If the licensed or applicant dealer, other than a~~
 2 ~~manufacturer, is~~ a limited liability company, each member of
 3 the company.
 4 ~~(6) (2)~~ For a licensed or applicant manufacturer, one (1) or more
 5 officers, directors, or shareholders designated in writing by the
 6 manufacturer.
 7 **(3) For a business entity, the following:**
 8 **(A) If a corporation, one (1) or more officers, directors, or**
 9 **shareholders designated in writing by the board of**
 10 **directors.**
 11 **(B) If a limited liability company, one (1) or more members**
 12 **of the company designated in writing by all members.**
 13 **(C) If a partnership, each partner.**
 14 **(D) If a sole proprietorship, the proprietor.**
 15 SECTION 8. IC 9-32-6-6.5, AS AMENDED BY THE TECHNICAL
 16 CORRECTIONS BILL OF THE 2019 GENERAL ASSEMBLY, IS
 17 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]:
 18 Sec. 6.5. ~~(a) This section applies to dealer license plates issued after~~
 19 ~~December 31, 2014.~~
 20 ~~(b) (a)~~ Except as provided in ~~subsection (c);~~ **subsections (b) and**
 21 **(c),** dealer license plates **and dealer designee license plates** issued to
 22 licensed dealers under this article are valid from the issue date through
 23 the expiration date as follows:
 24 (1) Dealer license plates of a person whose business name begins
 25 with the letters A through B expire February 1 of each year.
 26 (2) Dealer license plates of a person whose business name begins
 27 with the letters C through D expire March 1 of each year.
 28 (3) Dealer license plates of a person whose business name begins
 29 with the letters E through F expire April 1 of each year.
 30 (4) Dealer license plates of a person whose business name begins
 31 with the letters G through H expire May 1 of each year.
 32 (5) Dealer license plates of a person whose business name begins
 33 with the letters I through J expire June 1 of each year.
 34 (6) Dealer license plates of a person whose business name begins
 35 with the letters K through L expire July 1 of each year.
 36 (7) Dealer license plates of a person whose business name begins
 37 with the letters M through N expire August 1 of each year.
 38 (8) Dealer license plates of a person whose business name begins
 39 with the letters O through P expire September 1 of each year.
 40 (9) Dealer license plates of a person whose business name begins
 41 with the letters Q through R expire October 1 of each year.
 42 (10) Dealer license plates of a person whose business name



- 1 begins with the letters S through T expire November 1 of each
 2 year.
- 3 (11) Dealer license plates of a person whose business name
 4 begins with the letters U through V expire December 1 of each
 5 year.
- 6 (12) Dealer license plates of a person whose business name
 7 begins with the letters W through Z expire January 1 of each year.
- 8 ~~(e)~~ **(b)** Dealer license plates issued to a person whose business name
 9 begins with a nonalpha character expire November 1 of each year.
- 10 ~~(d)~~ **(c)** A dealer designee license plate expires as follows:
- 11 ~~(1)~~ For a dealer designee license plate issued before July 1, 2017,
 12 on the earlier of:
- 13 ~~(A)~~ the date designated by the dealer on the application related
 14 to the license plate; or
- 15 ~~(B)~~ the date on which the dealer license issued to the same
 16 person expires.
- 17 ~~(2)~~ For a dealer designee license plate issued after June 30, 2017,
 18 on the same date each year as the date on which a dealer license
 19 issued to the same person expires: **is valid from the issue date**
 20 **through the expiration date as provided in subsection (a) or**
 21 **(b).**
- 22 ~~(e)~~ This subsection expires December 31, 2017. For a dealer license
 23 plate issued in 2015, the dealer services division shall impose a fee for
 24 the dealer license plate under IC 9-29-17 (before its repeal) in the
 25 amount that bears the same proportion to the annual fee for the dealer
 26 license plate as the number of months the dealer license plate is valid
 27 bears to twelve ~~(12)~~.
- 28 ~~(f)~~ ~~(e)~~ **(d)** The fee to renew the license plates issued under
 29 ~~IC 9-32-6-1~~ **section 1 of this chapter** is as follows:
- 30 (1) For motorcycle dealer license plates, fifteen dollars (\$15).
 31 (2) For dealer license plates not described in subdivision (1), forty
 32 dollars (\$40).
- 33 ~~(g)~~ ~~(f)~~ **(e)** Fees collected under subsection ~~(f)~~ ~~(e)~~ **(d)** shall be
 34 distributed as follows:
- 35 (1) Thirty percent (30%) to the dealer compliance account
 36 established by IC 9-32-7-1.
 37 (2) Seventy percent (70%) to the motor vehicle highway account
 38 under IC 8-14-1.
- 39 ~~(h)~~ ~~(g)~~ **(f)** There is an additional service charge of five dollars (\$5)
 40 for the renewal of each set of license plates issued under ~~IC 9-32-6-1~~
 41 **section 1 of this chapter**. The service charge shall be deposited in the
 42 crossroads 2000 fund.



1 ~~(i)~~ ~~(h)~~ **(g)** The fee to renew each additional license plate issued
2 under ~~IC 9-32-6-5~~ **section 5 of this chapter** is as follows:

3 (1) For an additional motorcycle dealer license plate, seven
4 dollars and fifty cents (\$7.50).

5 (2) For an additional dealer license plate not described in
6 subdivision (1), fifteen dollars (\$15).

7 ~~(j)~~ ~~(i)~~ **(h)** Fees collected under subsection ~~(i)~~ ~~(h)~~ **(g)** shall be
8 distributed as follows:

9 (1) Thirty percent (30%) to the dealer compliance account
10 established by IC 9-32-7-1.

11 (2) Seventy percent (70%) to the motor vehicle highway account
12 under IC 8-14-1.

13 ~~(k)~~ ~~(j)~~ **(i)** There is an additional service charge for the renewal of
14 each additional license plate issued under ~~IC 9-32-6-5~~; **section 5 of this**
15 **chapter**, as follows:

16 (1) For an additional motorcycle dealer license plate, two dollars
17 and fifty cents (\$2.50).

18 (2) For an additional dealer license plate not described in
19 subdivision (1), five dollars (\$5).

20 ~~(l)~~ ~~(k)~~ **(j)** The service charge under subsection ~~(k)~~ ~~(j)~~ **(i)** shall be
21 deposited in the crossroads 2000 fund.

22 ~~(m)~~ ~~(l)~~ **(k)** The fee to renew a license plate issued under
23 ~~IC 9-32-6-2(b)~~ **section 2(b) of this chapter** is forty dollars (\$40). The
24 fee shall be deposited in the dealer compliance account established by
25 IC 9-32-7-1.

26 ~~(n)~~ ~~(m)~~ **(l)** The fees collected under subsection ~~(m)~~ ~~(l)~~ **(k)** shall be
27 distributed as follows:

28 (1) Forty percent (40%) to the crossroads 2000 fund.

29 (2) Forty-nine percent (49%) to the dealer compliance account
30 established by IC 9-32-7-1.

31 (3) Eleven percent (11%) to the motor vehicle highway account
32 under IC 8-14-1.

33 ~~(o)~~ ~~(n)~~ **(m)** The fee to renew a dealer designee license plate issued
34 under IC 9-32-6.5-1 is twenty-one dollars and thirty-five cents
35 (\$21.35).

36 SECTION 9. IC 9-32-6-16, AS AMENDED BY P.L.179-2017,
37 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2019]: Sec. 16. (a) Except as provided in subsection (b), if a
39 dealer license plate or registration card issued under this chapter, ~~or~~
40 ~~IC 9-31-3-19 (before its repeal), or IC 9-32-8-8~~ is lost, stolen, or
41 destroyed, the dealer may apply for a replacement dealer license plate
42 or registration card in the form and manner prescribed by the secretary.



1 (b) If a dealer license plate ~~or registration card~~ is lost or stolen, the
 2 secretary may not issue a replacement dealer license plate ~~or~~
 3 ~~registration card~~ until the dealer to whom the dealer license plate ~~or~~
 4 ~~registration card~~ was issued:

5 (1) has notified:

6 (A) the Indiana law enforcement agency that has jurisdiction
 7 where the loss or theft occurred; or

8 (B) the law enforcement agency that has jurisdiction over the
 9 address of the dealer's established place of business; and

10 (2) presents to the secretary on a form prescribed by the secretary
 11 a report completed by the law enforcement agency that was
 12 notified under subdivision (1).

13 SECTION 10. IC 9-32-6.5-12, AS ADDED BY P.L.179-2017,
 14 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 12. (a) Except as provided in subsection (b), if a
 16 dealer designee license plate or registration card issued under this
 17 chapter is lost, stolen, or destroyed, the dealer may apply for a
 18 replacement dealer designee license plate or registration card in the
 19 form and manner prescribed by the secretary.

20 (b) If a dealer designee license plate ~~or registration card~~ is lost or
 21 stolen, the dealer to whom the dealer designee license plate ~~or~~
 22 ~~registration card~~ was issued shall:

23 (1) notify the law enforcement agency that has jurisdiction where
 24 the loss or theft occurred; and

25 (2) present to the secretary on a form prescribed by the secretary
 26 a report completed by the law enforcement agency that was
 27 notified under subdivision (1).

28 SECTION 11. IC 9-32-8-2, AS AMENDED BY P.L.174-2016,
 29 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2019]: Sec. 2. A person that sells, offers to sell, or advertises
 31 for sale at least six (6):

32 (1) watercraft;

33 (2) trailers that are:

34 (A) designed and used exclusively for the transportation of
 35 watercraft; and

36 (B) sold in general association with the sale of watercraft; or

37 (3) items set forth in both subdivisions (1) and (2);

38 within a twelve (12) month period must be licensed under this ~~chapter~~
 39 **article.**

40 SECTION 12. IC 9-32-8-3, AS AMENDED BY P.L.179-2017,
 41 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 3. (a) An application for a watercraft dealer



- 1 license must:
- 2 (1) be accompanied by a nonrefundable fee of thirty dollars (\$30);
- 3 **and**
- 4 (2) **be on a form prescribed by the secretary; meet the**
- 5 **requirements under IC 9-32-11-2.**
- 6 (3) be completed by a dealer owner or dealer manager; and
- 7 (4) contain any information that the secretary reasonably needs to
- 8 enable the secretary to determine fully the:
- 9 (A) qualifications and eligibility of the applicant to receive the
- 10 license;
- 11 (B) location of each of the applicant's places of business in
- 12 Indiana; and
- 13 (C) ability of the applicant to conduct properly the business for
- 14 which the application is submitted.
- 15 (b) An application for a license as a watercraft dealer must show
- 16 whether the applicant proposes to sell new or used watercraft or both
- 17 new and used watercraft.
- 18 (c) The secretary shall retain the fee collected under this section.
- 19 SECTION 13. IC 9-32-8-7 IS ADDED TO THE INDIANA CODE
- 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 21 1, 2019]: **Sec. 7. (a) The secretary shall issue temporary license**
- 22 **plates to a licensed watercraft dealer upon request.**
- 23 **(b) A temporary license plate described in subsection (a) must**
- 24 **display the following information:**
- 25 **(1) The dealer's license number.**
- 26 **(2) The date of expiration, plainly stamped or stenciled on the**
- 27 **temporary license plate.**
- 28 **(c) A temporary license plate may not be used or displayed**
- 29 **unless the plate is furnished by the secretary.**
- 30 **(d) A watercraft dealer that authorizes the use of a temporary**
- 31 **license plate under this section does not assume responsibility or**
- 32 **incur liability for injury to a person or property during the period**
- 33 **the temporary license plate is in effect.**
- 34 **(e) The fee for a temporary license plate is two dollars (\$2). The**
- 35 **secretary shall retain the fee.**
- 36 SECTION 14. IC 9-32-8-8 IS ADDED TO THE INDIANA CODE
- 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 38 1, 2019]: **Sec. 8. (a) A watercraft dealer licensed by the secretary**
- 39 **under this article may, upon application to the secretary, obtain**
- 40 **dealer license plates and registration cards for use in the testing or**
- 41 **demonstrating of motorboats.**
- 42 **(b) Two (2) dealer license plates must be displayed within a**



1 motorboat that is being tested or demonstrated while the
2 motorboat is being tested or demonstrated.

3 (c) A transfer dealer or automobile auction licensed by the
4 secretary under this article may request dealer license plates under
5 subsection (a).

6 (d) The fee to obtain a dealer license plate and registration card
7 under subsection (a) is ten dollars (\$10).

8 (e) The secretary shall retain the fee collected under this section.

9 SECTION 15. IC 9-32-8-9 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2019]: Sec. 9. (a) A person that knowingly or intentionally
12 operates a watercraft displaying:

13 (1) a temporary license plate issued under section 7 of this
14 chapter that is altered or reproduced; or

15 (2) a license plate that purports to be a temporary license
16 plate issued under section 7 of this chapter;

17 commits a Class C misdemeanor.

18 (b) A person that, with the intent to defraud, obtains an altered
19 temporary license plate described in subsection (a) commits a Class
20 C misdemeanor.

21 SECTION 16. IC 9-32-9-1, AS AMENDED BY P.L.198-2016,
22 SECTION 629, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2019]: Sec. 1. (a) A person must be licensed by
24 the secretary under this chapter article before the person may do any
25 of the following:

26 (1) Sell a used major component part of a motor vehicle.

27 (2) Wreck, dismantle, shred, compact, crush, or otherwise destroy
28 a motor vehicle for resale of the major component parts of the
29 motor vehicle or scrap material.

30 (3) Rebuild a wrecked or dismantled motor vehicle for resale.

31 ~~(4) Possess for more than thirty (30) days more than two (2)~~
32 ~~inoperable motor vehicles of a type subject to registration under~~
33 ~~IC 9-18 (before its expiration) or IC 9-18.1 unless the person~~
34 ~~holds a mechanic's lien on each motor vehicle over the quantity~~
35 ~~of two (2):~~

36 ~~(5) (4)~~ Engage in the business of storing, disposing, salvaging, or
37 recycling of **operable or inoperable** motor vehicles, vehicle
38 hulks, or parts of motor vehicles.

39 (b) A person who violates this section commits a Class A infraction.

40 SECTION 17. IC 9-32-9-3, AS AMENDED BY P.L.179-2017,
41 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2019]: Sec. 3. (a) To apply for a license under this ~~chapter,~~



1 **article**, an automotive salvage recycler must submit an application to
 2 the secretary. An application for a license under this ~~chapter~~ **article**
 3 must:

- 4 (1) be on a form prescribed by the secretary;
 5 (2) be completed by a dealer owner or dealer manager;
 6 (3) contain the information the secretary considers necessary to
 7 enable the secretary to determine fully:

8 (A) the qualifications and eligibility of the applicant to receive
 9 the license; and

10 (B) the ability of the applicant to properly conduct the business
 11 for which the application is submitted; and

- 12 (4) be accompanied by the following:

13 (A) Evidence of a bond required under IC 9-32-11-2.

14 (B) Payment of the fee under subsection (c):

15 (C) An affidavit from:

16 (i) the person charged with enforcing a zoning ordinance; if
 17 the person exists; or

18 (ii) the zoning enforcement officer under IC 36-7-4, if a
 19 zoning enforcement officer exists;

20 who has jurisdiction over the real property where the applicant
 21 wants to operate as an automotive salvage recycler.

22 If there is no person or officer that has jurisdiction over the real
 23 property as described in subdivision (4)(C); the application must be
 24 accompanied by a statement to that effect from the executive of the unit
 25 in which the real property is located. The affidavit must state that the
 26 proposed location is zoned for the operation of an establishment of an
 27 automotive salvage recycler. The applicant may file the affidavit at any
 28 time after the filing of the application. However, the secretary may not
 29 issue a license until the applicant files the affidavit or the statement.

30 (1) meet the requirements under IC 9-32-11-2; and

31 (2) be accompanied by payment of the fee under subsection

32 (c).

33 (b) If an automotive salvage recycler license is lost or destroyed, the
 34 automotive salvage recycler shall apply for a replacement automotive
 35 salvage recycler license in the form and manner prescribed by the
 36 secretary.

37 (c) The fee for an automotive salvage recycler license under
 38 subsection (a) is ten dollars (\$10). The fee is nonrefundable and shall
 39 be retained by the secretary.

40 SECTION 18. IC 9-32-9-3.5, AS AMENDED BY P.L.174-2016,
 41 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2019]: Sec. 3.5. An automotive salvage recycler that buys



1 motor vehicles must:

- 2 (1) report the purchase of a motor vehicle to the National Motor
 3 Vehicle Title Information System not later than ~~thirty (30) days~~
 4 **seventy-two (72) hours** after the motor vehicle is purchased; and
 5 (2) provide to the seller a valid National Motor Vehicle Title
 6 Information System report identification number.

7 SECTION 19. IC 9-32-9-11, AS AMENDED BY P.L.174-2016,
 8 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2019]: Sec. 11. If the secretary receives a written complaint
 10 from a local zoning body that an automotive salvage recycler ~~subject~~
 11 ~~to this chapter~~, is operating in violation of a local zoning ordinance, the
 12 secretary shall delay the issuance or renewal of the automotive salvage
 13 recycler's license ~~under this chapter~~ until the local zoning complaints
 14 have been satisfied.

15 SECTION 20. IC 9-32-9-14, AS ADDED BY P.L.179-2017,
 16 SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2019]: Sec. 14. (a) A scrap metal processor or other
 18 ~~appropriate~~ facility that purchases or acquires a salvage motor vehicle
 19 that has been totally demolished or destroyed as a result of normal
 20 processing performed by a recycling facility **before the purchase by**
 21 **the scrap metal processor or other facility** is not required to apply
 22 for and receive a certificate of salvage title for the vehicle.

23 (b) The facility ~~or processor~~ that performed the processing that
 24 resulted in the vehicle being demolished or destroyed shall surrender
 25 the certificate of title, the certificate of authority, or the certificate of
 26 salvage title to the bureau.

27 SECTION 21. IC 9-32-9-15, AS ADDED BY P.L.179-2017,
 28 SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2019]: Sec. 15. (a) The secretary shall prescribe
 30 ~~recordkeeping~~ **record keeping** forms to be used by an automotive
 31 salvage recycler ~~licensed under this article~~ to preserve information
 32 about ~~salvage~~ vehicles or major component parts acquired or sold by
 33 the business.

34 (b) **For each vehicle acquired by an automotive salvage recycler,**
 35 ~~the recordkeeping record keeping~~ forms required under subsection (a)
 36 must contain the following information:

37 (1) ~~For each new or used vehicle acquired or disposed of or for~~
 38 ~~the major component parts of a new or used vehicle, the~~
 39 ~~following:~~

40 (A) ~~(1) A description of the vehicle, or major component part,~~
 41 ~~including numbers or other marks identifying the vehicle. or~~
 42 ~~major component part.~~



- 1 ~~(B)~~ **(2)** The date the vehicle or major component part was
- 2 acquired. ~~and disposed of.~~
- 3 ~~(C)~~ **(3)** The name and address of the person from whom the
- 4 vehicle or major component part was acquired.
- 5 ~~(D)~~ Verification of the purchaser of the vehicle or major
- 6 component part by confirming the purchaser's identity by a
- 7 driver's license, a state identification card, or other reliable
- 8 means.
- 9 ~~(2)~~ For vehicles acquired or disposed of, in addition to the
- 10 information required by subdivision (1); the following:
- 11 ~~(A)~~ **(4)** The vehicle's trade name.
- 12 ~~(B)~~ **(5)** The vehicle's manufacturer.
- 13 ~~(C)~~ **(6)** The vehicle's type.
- 14 ~~(D)~~ **(7)** The model year. ~~and~~
- 15 **(8)** The vehicle identification number.
- 16 ~~(E)~~ **(9)** A statement of whether any number has been defaced,
- 17 destroyed, or changed.
- 18 ~~(3)~~ For wrecked, dismantled, or rebuilt vehicles, the date the
- 19 vehicle was dismantled or rebuilt.
- 20 **(c) For each vehicle sold or disposed of by the automotive**
- 21 **salvage recycler, the record keeping forms required under**
- 22 **subsection (a) must contain the following information:**
- 23 **(1) A description of the vehicle, including numbers or other**
- 24 **marks identifying the vehicle.**
- 25 **(2) The date the vehicle was disposed of.**
- 26 **(3) The way in which the vehicle was disposed of.**
- 27 **(4) The vehicle's trade name.**
- 28 **(5) The vehicle's manufacturer.**
- 29 **(6) The vehicle's type.**
- 30 **(7) The model year.**
- 31 **(8) The vehicle identification number.**
- 32 **(9) Verification of the purchaser of the vehicle by confirming**
- 33 **the purchaser's identity by a driver's license, a state issued**
- 34 **identification card, or other reliable means.**
- 35 **(10) For wrecked, dismantled, or rebuilt vehicles, the date the**
- 36 **vehicle was wrecked, dismantled, or rebuilt.**
- 37 **(d) For each major component part acquired by the automotive**
- 38 **salvage recycler, the record keeping forms required under**
- 39 **subsection (a) must contain the following information:**
- 40 **(1) A description of the major component part, including**
- 41 **numbers or other marks identifying the major component**
- 42 **part.**



- 1 (2) The date the major component part was acquired.
- 2 (3) The name and address of the person from whom the major
- 3 component part was acquired.
- 4 (4) The vehicle identification number, if present on the major
- 5 component part.
- 6 (5) A statement of whether any number on the major
- 7 component part has been defaced, destroyed, or changed.
- 8 (e) For each major component part sold or disposed of by the
- 9 automotive salvage recycler, the record keeping forms required
- 10 under subsection (a) must contain the following information:
- 11 (1) A description of the major component part, including
- 12 numbers or other marks identifying the major component
- 13 part.
- 14 (2) The date the major component part was sold or disposed
- 15 of.
- 16 (3) The way in which the major component part was disposed
- 17 of.
- 18 (4) The vehicle identification number, if present on the major
- 19 component part. If the vehicle identification number is not
- 20 present on the major component part, the vehicle
- 21 identification number from the source vehicle, if known.
- 22 (5) Verification of the purchaser of the major component part
- 23 by confirming the purchaser's identity by a driver's license,
- 24 a state issued identification card, or other reliable means.
- 25 ~~(e)~~ (f) Separate records for each vehicle or major component part
- 26 must be maintained.
- 27 ~~(d)~~ (g) The ~~recordkeeping~~ **record keeping** requirements of this
- 28 section do not apply to hulk crushers or to scrap metal processors when
- 29 purchasing scrap from a person that is licensed under this article and
- 30 that is required to keep records under this section.
- 31 ~~(e)~~ (h) An automotive salvage recycler licensed under this article
- 32 that knowingly or intentionally fails to:
- 33 (1) maintain records regarding salvage vehicles or major
- 34 component parts acquired or sold by the business; or
- 35 (2) maintain records regarding salvage vehicles or major
- 36 component parts on forms that comply with ~~subsection (b);~~ **this**
- 37 **section;**
- 38 commits a Class A infraction.
- 39 ~~(f)~~ (i) Records required to be maintained under this section may be
- 40 maintained in any form of data storage acceptable to the secretary if the
- 41 records are readily accessible and available to copy by an investigating
- 42 or auditing employee of the secretary upon demand at the established



- 1 place of business.
- 2 SECTION 22. IC 9-32-9-16, AS ADDED BY P.L.179-2017,
3 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 16. (a) Unless otherwise specified or required, the
5 records required under section 15 of this chapter shall be retained for
6 five (5) years after the date the vehicle or major component part was
7 acquired **or sold**, in the form prescribed by the secretary. The records
8 must be maintained at the established place of business for two (2)
9 years. Following the two (2) year period, records may be moved offsite,
10 but must be maintained for five (5) years.
- 11 (b) An automotive salvage recycler that knowingly or intentionally
12 fails to comply with subsection (a) commits a Class B misdemeanor.
- 13 SECTION 23. IC 9-32-9-19, AS ADDED BY P.L.179-2017,
14 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2019]: Sec. 19. (a) A record required to be maintained under
16 this chapter is subject to inspection by a police officer during normal
17 business hours. In addition to the inspections authorized under section
18 20 of this chapter, an inspection under this section may include an
19 examination of the premises of the ~~licensee's~~ **automotive salvage**
20 **recycler's** established place of business for the purpose of determining
21 the accuracy of the required records.
- 22 (b) ~~A recycling facility, automotive salvage rebuilders, or used parts~~
23 ~~dealer~~ **An automotive salvage recycler** that knowingly or intentionally
24 fails to:
- 25 (1) maintain records as required under this chapter; or
26 (2) allow an inspection of a licensee's established place of
27 business for the purpose of determining the accuracy of required
28 records;
- 29 commits a Class A infraction.
- 30 SECTION 24. IC 9-32-9-20, AS ADDED BY P.L.179-2017,
31 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2019]: Sec. 20. (a) The secretary of state, a police officer, or
33 an agent of the secretary of state or a police officer may enter upon the
34 premises of an automotive salvage recycler during normal business
35 hours to inspect a vehicle, **a** major component part, records, **a**
36 **certificate of authority**, a certificate of title, and other ownership
37 documents to determine compliance with this chapter.
- 38 (b) A person that knowingly or intentionally prevents the secretary
39 of state, a police officer, or **an** agent of the secretary of state from
40 inspecting a vehicle, a major component part, a record, **a certificate of**
41 **authority**, a certificate of title, or another ownership document during
42 normal business hours commits a Class A infraction.



1 SECTION 25. IC 9-32-9-22, AS ADDED BY P.L.179-2017,
 2 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 22. A court may issue a warrant to search the
 4 premises of an automotive salvage ~~rebuilder, an automotive salvage~~
 5 ~~recycler, a recycling facility, or a used parts dealer recycler~~ for any
 6 major component parts being possessed, kept, sold, bartered, given
 7 away, used, or transported in potential violation of this chapter.

8 SECTION 26. IC 9-32-9-28 IS REPEALED [EFFECTIVE JULY 1,
 9 2019]. ~~Sec. 28. A person who violates this chapter commits a deceptive~~
 10 ~~act that is actionable by the attorney general and is subject to the~~
 11 ~~remedies and penalties under IC 24-5-0.5.~~

12 SECTION 27. IC 9-32-9-29, AS ADDED BY P.L.179-2017,
 13 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2019]: Sec. 29. (a) An automotive salvage recycler or an agent
 15 of an automotive salvage recycler may purchase a **motor** vehicle
 16 without a certificate of title for the **motor** vehicle if:

- 17 (1) the **motor** vehicle is at least fifteen (15) model years old;
- 18 (2) the purchase is solely for the purpose of dismantling or
 19 wrecking the **motor** vehicle for the recovery of scrap metal or the
 20 sale of parts; **and**
- 21 (3) the automotive salvage recycler records all purchase
 22 transactions of **motor** vehicles as required in subsection (b); **and**
- 23 **(4) the person selling the motor vehicle presents a certificate**
 24 **of authority as required under IC 9-22-5-18.**

25 (b) An automotive salvage recycler shall maintain the following
 26 information with respect to each **motor** vehicle purchase transaction
 27 **without a certificate of title** to which the automotive salvage recycler
 28 is a party for at least five (5) years after the date of the purchase
 29 transaction:

- 30 (1) The name and address of any scrap metal processor or
 31 automobile scrapyard.
- 32 (2) The name of the person entering the information.
- 33 (3) The date and time of the purchase transaction.
- 34 (4) A description of the **motor** vehicle that is the subject of the
 35 purchase transaction, including the make and model of the **motor**
 36 vehicle, if ~~practicable~~: **discernable.**
- 37 (5) The vehicle identification number of the **motor** vehicle, to the
 38 extent ~~practicable~~: **the number is discernable.**
- 39 (6) The amount of consideration given for the **motor** vehicle.
- 40 (7) A **copy of the certificate of authority and a** written
 41 statement signed by the seller or the seller's agent certifying the
 42 following:



- 1 (A) The seller or the seller's agent has the lawful right to sell
- 2 and dispose of the **motor** vehicle.
- 3 (B) The **motor** vehicle is not subject to a security interest or
- 4 lien.
- 5 (C) The **motor** vehicle will not be titled again and will be
- 6 dismantled or destroyed.
- 7 (8) The name, date of birth, and address of the person from whom
- 8 the **motor** vehicle is being purchased.
- 9 (9) A photocopy or electronic scan of one (1) of the following
- 10 valid and unexpired forms of identification issued to the seller or
- 11 the seller's agent:
- 12 (A) A driver's license.
- 13 (B) An identification card issued under IC 9-24-16-1, a photo
- 14 exempt identification card issued under IC 9-24-16.5, or a
- 15 similar card issued under the laws of another state or the
- 16 federal government.
- 17 (C) A government issued document bearing an image of the
- 18 seller or seller's agent, as applicable.
- 19 For purposes of complying with this subdivision, an automotive
- 20 salvage recycler is not required to make a separate copy of the
- 21 seller's or seller's agent's identification for each purchase
- 22 transaction involving the seller or seller's agent but may instead
- 23 refer to a copy maintained in reference to a particular purchase
- 24 transaction.
- 25 (10) The license plate number, make, model, and color of the
- 26 **motor** vehicle that is used to deliver the purchased **motor** vehicle
- 27 to the automotive salvage recycler.
- 28 (11) The signature of the person receiving consideration from the
- 29 seller or the seller's agent.
- 30 (12) A photographic or videographic image, taken when the
- 31 **motor** vehicle is purchased, of the following:
- 32 (A) A frontal view of the facial features of the seller or the
- 33 seller's agent.
- 34 (B) The **motor** vehicle that is the subject of the purchase
- 35 transaction.
- 36 (c) An automotive salvage recycler may not complete a purchase
- 37 transaction without the information required under subsection (b)(9).
- 38 (d) An automotive salvage recycler or an agent of an automotive
- 39 salvage recycler that knowingly or intentionally buys a **motor** vehicle
- 40 that is less than fifteen (15) model years old without a certificate of title
- 41 or certificate of authority for the **motor** vehicle commits a Level 6
- 42 felony.



1 SECTION 28. IC 9-32-10-2, AS AMENDED BY P.L.174-2016,
 2 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 2. ~~(a)~~ The advisory board is composed of the
 4 secretary and eleven (11) persons appointed by the governor upon the
 5 recommendation of the secretary as follows:

6 (1) **At least** two (2) of the appointed members must be franchised
 7 new motor vehicle dealers as follows:

8 (A) **At least** one (1) member must:

9 (i) have sold fewer than seven hundred fifty (750) new
 10 motor vehicles in the year before the member's appointment;

11 **and**

12 **(ii) be a dealer owner listed on a valid license issued to a**
 13 **franchised new motor vehicle dealer under IC 9-32.**

14 (B) **At least** one (1) member must:

15 (i) have sold more than seven hundred forty-nine (749) new
 16 motor vehicles in the year before the member's appointment;

17 **and**

18 **(ii) be a dealer owner listed on a valid license issued to a**
 19 **franchised new motor vehicle dealer under IC 9-32.**

20 (2) **At least** two (2) of the appointed members must:

21 (A) represent the motor vehicle manufacturing industry;

22 (B) **and each must** have been an Indiana resident for at least
 23 two (2) years immediately preceding the member's
 24 appointment; **and**

25 (C) **be employed by a manufacturer that holds a valid**
 26 **manufacturer license issued under IC 9-32.**

27 ~~(3) Two (2) of the appointed members must represent the general~~
 28 ~~public and may not have any direct interest in the manufacture or~~
 29 ~~sale of motor vehicles.~~

30 ~~(4) (3) One (1) member~~ **At least two (2) members** must:

31 (A) represent used motor vehicle dealers that are not
 32 franchised new motor vehicle dealers; **and**

33 **(B) be a dealer owner listed on a valid license issued to a**
 34 **used motor vehicle dealer under IC 9-32.**

35 ~~(5) One (1) member must represent used automobile auctions.~~

36 ~~(6) One (1) member must represent the automobile salvage and~~
 37 ~~recycling industry.~~

38 ~~(7) One (1) member must represent watercraft dealers.~~

39 ~~(8) One (1) member must represent the recreational vehicle~~
 40 ~~industry.~~

41 **(4) The remaining members may be appointed from the**
 42 **following:**



- 1 (A) A representative of a used automobile auction validly
- 2 licensed under IC 9-32.
- 3 (B) A representative of an automobile salvage recycler
- 4 validly licensed under IC 9-32.
- 5 (C) A representative of a recreational vehicle dealer validly
- 6 licensed under IC 9-32.
- 7 (D) A representative of a watercraft dealer validly licensed
- 8 under IC 9-32.
- 9 (5) One (1) appointed member may represent the general
- 10 public and may not have any direct interest in the
- 11 manufacture or sale of motor vehicles or watercraft.
- 12 (b) Not more than six (6) members of the advisory board may be of
- 13 the same political party.
- 14 SECTION 29. IC 9-32-10-3, AS ADDED BY P.L.92-2013,
- 15 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2019]: Sec. 3. (a) A member appointed to the advisory board
- 17 under section 2 of this chapter serves a three (3) year term ~~A person~~
- 18 ~~may not serve more than two (2) consecutive full terms: and may be~~
- 19 ~~reappointed.~~ Each appointed member serves until the member's
- 20 successor is appointed and qualified.
- 21 (b) A member may be removed for good cause.
- 22 (c) A vacancy shall be filled by appointment of the governor for the
- 23 unexpired term.
- 24 SECTION 30. IC 9-32-11-1, AS AMENDED BY P.L.137-2018,
- 25 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2019]: Sec. 1. (a) Subject to IC 9-32-11-20, the following
- 27 persons must be licensed under this article: ~~to engage in the business~~
- 28 ~~of buying, selling, or manufacturing motor vehicles:~~
- 29 (1) An automobile auction.
- 30 (2) A converter manufacturer.
- 31 (3) A dealer.
- 32 (4) A distributor.
- 33 (5) An automotive salvage recycler.
- 34 (6) A watercraft dealer.
- 35 (7) A manufacturer.
- 36 (8) A transfer dealer.
- 37 (9) An automotive mobility dealer.
- 38 (10) A manufactured home dealer.
- 39 The persons listed in this subsection are the only persons eligible for
- 40 a license under this article.
- 41 (b) After January 1, 2018, an automotive mobility dealer must hold
- 42 an automotive mobility dealer endorsement issued under this article.



1 (c) After January 1, 2018, an automotive mobility dealer that fails
 2 to be licensed and hold an automotive mobility dealer endorsement
 3 under this article, and engages in the business of:

4 (1) selling;

5 (2) installing;

6 (3) servicing; or

7 (4) soliciting or advertising the sale, installation, or servicing of;
 8 equipment or modifications specifically designed to facilitate use or
 9 operation of a motor vehicle or watercraft by an individual who is
 10 disabled or aged commits a Class A infraction.

11 SECTION 31. IC 9-32-11-2, AS AMENDED BY P.L.179-2017,
 12 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2019]: Sec. 2. (a) An application for a license under this
 14 **chapter article** must:

15 (1) be accompanied by payment of the applicable fee required
 16 under this section;

17 (2) be on a form prescribed by the secretary;

18 (3) contain the information the secretary considers necessary to
 19 enable the secretary to determine fully:

20 (A) the qualifications and eligibility of the applicant to receive
 21 the license; and

22 (B) the ability of the applicant to conduct properly the business
 23 for which the application is submitted;

24 (4) contain evidence of a bond required in subsection (e); ~~and~~

25 **(5) contain evidence of liability coverage required by section**
 26 **14 of this chapter;**

27 **(6) contain the federal tax identification number issued to the**
 28 **dealer;**

29 **(7) contain the registered retail merchant's certificate issued**
 30 **to the dealer under IC 6-2.5-8; and**

31 ~~(5)~~ **(8)** be completed by a dealer owner or dealer manager.

32 (b) An application for a license as a dealer must show whether the
 33 applicant proposes to sell new or used motor vehicles, or both.

34 (c) An applicant who proposes to use the Internet or another
 35 computer network to facilitate the sale of motor vehicles shall maintain
 36 all records at the established place of business in Indiana.

37 (d) **Except as provided in subsections (e), (h), and (i),** the
 38 application must include an affidavit from:

39 (1) the person charged with enforcing a zoning ordinance, if one
 40 exists; or

41 (2) the zoning enforcement officer under IC 36-7-4; ~~if one exists;~~
 42 who has jurisdiction over the real property where the applicant wants



1 to operate as a dealer. If there is no person or officer that has
 2 jurisdiction over the real property, the application must be
 3 accompanied by a statement to that effect from the executive of the unit
 4 in which the real property is located. The affidavit must state that the
 5 proposed location is zoned for the operation of a dealer's establishment.
 6 The applicant may file the affidavit at any time after the filing of the
 7 application. However, the secretary may not issue a license until the
 8 applicant files the affidavit or the statement.

9 (e) Except as provided in subsections (h) and (i), if there is no
 10 person or officer under subsection (d)(1) or (d)(2), the application
 11 must be accompanied by a statement to that effect from the
 12 executive (as defined in IC 36-1-2-5) of the unit in which the real
 13 property is located.

14 (f) The applicant may file the zoning affidavit under subsection
 15 (d) or statement under subsection (e) with the application at any
 16 time after the filing of the application. However the secretary may
 17 not issue a license until the applicant files the affidavit or the
 18 statement.

19 (g) The zoning affidavit under subsection (d) or statement under
 20 subsection (e) may not be signed by a person described in
 21 subsection (d)(1), (d)(2), or the executive of the unit more than
 22 ninety (90) days before the affidavit or statement is submitted to
 23 the secretary as part of an application for a license under this
 24 article.

25 (h) If:

26 (1) the dealer's established place of business is a
 27 manufactured home community;

28 (2) the dealer operates the manufactured home community;
 29 and

30 (3) the dealer is selling or will be selling only manufactured
 31 homes that:

32 (A) are already located within the manufactured home
 33 community; or

34 (B) will be installed within the manufactured home
 35 community;

36 the application must be accompanied by an affidavit under
 37 subsection (i).

38 (i) An affidavit submitted by a dealer under subsection (h) must
 39 affirm under penalty of perjury that:

40 (1) a zoning affidavit or statement is not required under
 41 subsection (h); and

42 (2) the applicant intends to sell only manufactured homes to



1 **buyers that purchase manufactured homes with the intent for**
 2 **the manufactured home to:**

- 3 **(A) remain within the manufactured home community; or**
 4 **(B) be installed within the manufactured home community.**

5 **(j) If the secretary receives a written complaint from a person**
 6 **described in subsection (d)(1) or (d)(2) that a dealer under**
 7 **subsection (h) is operating in violation of a local zoning ordinance,**
 8 **the secretary shall delay the issuance or renewal of the dealer's**
 9 **license until the local zoning complaints have been satisfied.**

10 ~~(e)~~ **(k)** A licensee shall maintain a bond satisfactory to the secretary
 11 in the amount of twenty-five thousand dollars (\$25,000). The bond
 12 must:

- 13 (1) be in favor of the state;
 14 (2) secure payment of fines, penalties, costs, and fees assessed by
 15 the secretary after:
 16 (A) notice;
 17 (B) opportunity for a hearing; and
 18 (C) opportunity for judicial review; and
 19 (3) secure the payment of damages to a person aggrieved by a
 20 violation of this article by the licensee after a judgment has been
 21 issued.

22 ~~(f)~~ **(l)** Service under this chapter shall be made in accordance with
 23 the Indiana Rules of Trial Procedure.

24 ~~(g)~~ **(m)** The fee for a license for a manufacturer or a distributor is
 25 thirty-five dollars (\$35).

26 ~~(h)~~ **(n)** The fee for a license for a dealer, other than a manufacturer,
 27 converter manufacturer, distributor, watercraft dealer, automotive
 28 salvage recycler, or transfer dealer is thirty dollars (\$30).

29 ~~(i)~~ **(o)** The fee for a transfer dealer or a converter manufacturer is
 30 twenty dollars (\$20).

31 ~~(j)~~ **(p)** The fees collected under this section are nonrefundable and
 32 shall be deposited as set forth in IC 9-32-7-3.

33 SECTION 32. IC 9-32-11-6, AS AMENDED BY P.L.179-2017,
 34 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2019]: Sec. 6. (a) A license issued to a dealer under this
 36 article:

- 37 (1) must specify the established place of business; and
 38 (2) shall be conspicuously displayed at the established place of
 39 business.
 40 (b) If a dealer's:
 41 (1) business name, including a doing business as name;
 42 (2) established place of business address;



- 1 (3) business entity type;
 2 (4) contact information; ~~or~~
 3 (5) dealer owner; **or**
 4 **(6) dealer manager;**

5 changes, the dealer shall submit to the secretary an application for
 6 approval of the change not later than ten (10) days after the change in
 7 a manner prescribed by the secretary.

8 (c) ~~If the change is a dealer requests a change~~ to information
 9 ~~described in subsection (b)(1) or (b)(2);~~ **appearing on the dealer's**
 10 **printed dealer license,** the dealer shall remit a fee of five dollars (\$5)
 11 with the notification and submit any additional information necessary
 12 to obtain an amended dealer license. The fee is nonrefundable, and the
 13 secretary shall retain the fee.

14 (d) A dealer that uses the Internet or another computer network to
 15 facilitate the sale of motor vehicles as set forth in section 2(c) of this
 16 chapter shall notify the secretary not later than ten (10) days after any
 17 change in a name, address, or telephone number documented in
 18 business records located outside Indiana that have been created in
 19 transactions made in Indiana by the dealer. A report made under this
 20 subsection is not subject to the fee under subsection (c).

21 (e) ~~A dealer that wants to change its established place of business~~
 22 ~~location must submit an affidavit along with its application for~~
 23 ~~approval of the change. The affidavit must be~~ **Except as provided in**
 24 **subsection (f), an application requesting a change to the address for**
 25 **the dealer's established place of business must be accompanied by**
 26 **an affidavit stating that the proposed location is zoned for the**
 27 **operation of a dealer's establishment** from:

28 (1) the person charged with enforcing a zoning ordinance
 29 described in this subsection; or

30 (2) the zoning enforcement officer under IC 36-7-4; ~~if one exists;~~
 31 that has jurisdiction over the real property where the applicant wants
 32 to operate as a dealer.

33 (f) ~~If there is no person or officer that has jurisdiction over the real~~
 34 ~~property,~~ **under subsection (e)(1) or (e)(2),** the application must be
 35 accompanied by a statement to that effect from the executive **(as**
 36 **defined in IC 36-1-2-5)** of the unit in which the real property is
 37 located. ~~The affidavit must state that the proposed location is zoned for~~
 38 ~~the operation of a dealer's establishment.~~

39 (g) The secretary may not approve a change of location ~~or endorse~~
 40 ~~a change of location on the dealer's license~~ until the dealer provides the
 41 affidavit or the statement.

42 (h) **The affidavit or statement may not be signed by a person**



1 **described in subsection (e)(1) or (e)(2) or the executive of a unit**
 2 **more than ninety (90) days before the affidavit or statement is**
 3 **submitted to the secretary as part of an application for a change of**
 4 **location.**

5 ~~(h)~~ (i) For the purpose of this section, an offsite sales license issued
 6 under section 11 of this chapter does not constitute a change of
 7 location.

8 SECTION 33. IC 9-32-11-7, AS AMENDED BY P.L.179-2017,
 9 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2019]: Sec. 7. (a) A distributor representative and a
 11 manufacturer representative become certified by:

- 12 (1) the licensed distributor or licensed manufacturer completing
 13 an application with the secretary to add the distributor
 14 representative or manufacturer representative to the license; and
 15 (2) paying a nonrefundable fee of twenty dollars (\$20).

16 The fee shall be deposited as set forth in IC 9-32-7-3.

17 (b) Any change to the certification of the distributor representative
 18 or manufacturer representative must be submitted to the secretary **for**
 19 **approval** not later than ten (10) days after the change. ~~The secretary~~
 20 ~~shall endorse the change on the certification.~~ A representative must
 21 have a certification when engaged in business and shall display the
 22 certification upon request.

23 (c) A distributor representative or manufacturer representative
 24 certification expires on the earlier of the following dates:

- 25 (1) The date on which the license issued to the distributor or
 26 manufacturer that certified the representative expires.
 27 (2) The date on which the secretary receives notice that the
 28 certified distributor representative or manufacturer representative
 29 is no longer a representative of the licensed distributor or
 30 manufacturer.

31 (d) The fee to renew a manufacturer representative or a distributor
 32 representative certificate is twenty dollars (\$20). The fee is
 33 nonrefundable and shall be deposited as set forth in IC 9-32-7-3.

34 SECTION 34. IC 9-32-11-11, AS AMENDED BY P.L.174-2016,
 35 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2019]: Sec. 11. (a) Except as provided in subsections (b)
 37 through (g), the secretary shall issue an offsite sales permit to a dealer
 38 licensed under this chapter who submits an application for the permit
 39 not later than ten (10) business days or two (2) calendar weeks before
 40 the offsite sale date. Permit applications under this section shall be
 41 made public upon the request of any person.

42 (b) The secretary may not issue an offsite sales permit to a dealer



- 1 who does not have an established place of business within Indiana.
- 2 (c) The secretary may not issue an offsite sales permit to a licensed
3 dealer proposing to conduct a sale outside a radius of twenty (20) miles
4 from the established place of business of the licensed dealer. The
5 following may conduct an offsite sale with an offsite sales permit
6 outside a radius of twenty (20) miles from the established place of
7 business of the licensed dealer:
- 8 (1) New manufactured home dealers.
 - 9 (2) Recreational vehicle dealers.
 - 10 (3) A rental company that is a dealer conducting a sale at a site
11 within twenty (20) miles of any of its company owned affiliates.
 - 12 (4) Off-road vehicle dealers.
 - 13 (5) Dealers of motor vehicles classified as classic, collector, or
14 antique under rules adopted under section 18(a)(2)(B) of this
15 chapter.
- 16 (d) A motor vehicle display is not considered an offsite sale if it is
17 conducted by a new motor vehicle dealer in an open area where no
18 sales personnel and no sales material are present.
- 19 (e) The secretary may not issue an offsite sales permit to a licensed
20 dealer proposing to conduct an offsite sale for more than ten (10)
21 calendar days.
- 22 (f) ~~The secretary may not issue an offsite sales permit to a licensed
23 dealer if the dealer does not have certification that the offsite sale
24 would be in compliance with local zoning ordinances or other local
25 ordinances. Authorization under this subsection may be demonstrated
26 with An application for an offsite sales permit must include an
27 affidavit stating that the proposed location is zoned for the
28 operation of the dealer's offsite sale from:~~
- 29 (1) the person charged with enforcing a zoning ordinance, if the
30 person exists; or
 - 31 (2) the zoning enforcement officer under IC 36-7-4; ~~if a zoning
32 enforcement officer exists;~~
- 33 who has jurisdiction over the real property where the dealer wants to
34 conduct an offsite sale.
- 35 (g) ~~If there is no person or officer that has jurisdiction over the real
36 property, under subsection (f)(1) or (f)(2), the application must be
37 accompanied by a statement of authorization from the executive (as
38 defined in IC 36-1-2-5) of the unit in which the real property is located.~~
- 39 (h) The secretary may not issue an offsite sales permit until the
40 dealer files an affidavit **or statement** under this subsection.
- 41 (i) **The affidavit or statement may not be signed by a person
42 described in subsection (f)(1) or (f)(2) or the executive of a unit**



1 **more than ninety (90) days before the affidavit or statement is**
 2 **submitted to the secretary as part of an application for a permit**
 3 **under this section.**

4 ~~(g)~~ **(j)** The secretary may not issue an offsite sales permit to a
 5 licensed dealer who has held more than three (3) nonconsecutive
 6 offsite sales in the year ending on the date of the offsite sale for which
 7 the permit application is being submitted.

8 ~~(h)~~ **(k)** Section 2(c) of this chapter does not apply to the application
 9 or issuance of an offsite sales permit under this section.

10 ~~(i)~~ **(l)** The fee for an offsite sales permit is twenty-five dollars (\$25).
 11 The fee is nonrefundable and shall be deposited as set forth in
 12 IC 9-32-7-3.

13 SECTION 35. IC 9-32-11-11.5, AS AMENDED BY P.L.174-2016,
 14 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2019]: Sec. 11.5. (a) A person that is a licensed dealer in a
 16 state other than Indiana may apply for an out-of-state dealer special
 17 event permit from the secretary for a special event auction if the
 18 following conditions are met:

19 (1) The event is a motor vehicle auction conducted by an
 20 auctioneer licensed under IC 25-6.1-3.

21 (2) The motor vehicles to be auctioned are:

22 (A) at least fifteen (15) years old; or

23 (B) classified as classic, collector, or antique motor vehicles
 24 under rules adopted by the secretary.

25 (3) At least two hundred (200) motor vehicles will be auctioned
 26 during the special event.

27 (4) The person submits an application for a special event permit
 28 to the secretary not later than thirty (30) days prior to the
 29 beginning date of the special event auction.

30 (5) The application for the special event permit includes the
 31 following:

32 (A) Copies of licenses for all auctioneers for the special event
 33 auction.

34 (B) A copy of a valid dealer's license from the other state.

35 **(C) Either of the following:**

36 **(i) An affidavit stating that the proposed location is zoned**
 37 **for the operation of a special event auction from**

38 **(i) the person charged with enforcing a zoning ordinance, if**
 39 **the person exists; or**

40 **(ii) the zoning enforcement officer under IC 36-7-4 if a**
 41 **zoning enforcement officer exists; who has jurisdiction over**
 42 **the real property where the applicant wants to operate the**



1 special event auction.

2 **(ii)** If there is no person or officer ~~that has jurisdiction over~~
 3 ~~the real property as described in this clause, under item (i),~~
 4 the application must be accompanied by a statement to that
 5 effect from the executive **(as defined in IC 36-1-2-5)** of the
 6 unit in which the real property is located. ~~The affidavit must~~
 7 ~~state that the proposed location is zoned for the operation of~~
 8 ~~a special event auction.~~

9 **(6)** The applicant may file the affidavit **or statement under**
 10 **subdivision (5)(C)** at any time after the filing of the application.
 11 However, the secretary may not issue a special event auction
 12 permit until the applicant files the affidavit or the statement.

13 **(7) The affidavit or statement may not be signed by a person**
 14 **described in subdivision (5)(C)(i) or the executive of a unit**
 15 **more than ninety (90) days before the affidavit or statement**
 16 **is submitted to the secretary as part of an application for a**
 17 **permit under this section.**

18 (b) Not more than one (1) special event auction permit may be
 19 issued by the secretary to the same applicant within a twelve (12)
 20 month period.

21 (c) If the application for the special event permit is approved, the
 22 dealer must submit a fee of five hundred dollars (\$500). The secretary
 23 shall retain the fee.

24 SECTION 36. IC 9-32-11-18, AS AMENDED BY P.L.179-2017,
 25 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 18. (a) A person licensed under this article shall
 27 be issued a special event permit from the secretary for a special event
 28 that meets the following conditions:

29 (1) The event is a motor vehicle auction conducted by auctioneers
 30 licensed under IC 25-6.1-3.

31 (2) The motor vehicles to be auctioned are:

32 (A) at least fifteen (15) years old; or

33 (B) classified as classic, collector, or antique motor vehicles
 34 under rules adopted by the secretary.

35 (3) At least one hundred (100) motor vehicles will be auctioned
 36 during the special event.

37 (4) The licensee submits to the secretary an application for a
 38 special event permit not later than thirty (30) days before the
 39 beginning date of the special event.

40 (5) The application under subdivision (4) includes the following:

41 (A) An affidavit **stating that the proposed location is zoned**
 42 **for the operation of a special event auction** from:



- 1 (i) the person charged with enforcing a zoning ordinance; or
 2 (ii) a zoning enforcement officer under IC 36-7-4;
 3 who has jurisdiction over the real property where the applicant
 4 wants to operate the special event auction.
 5 (B) A fee of two hundred fifty dollars (\$250). The fee shall be
 6 deposited as set forth in IC 9-32-7-3.
- 7 (b) If there is no person or officer ~~that has jurisdiction over the real~~
 8 ~~property as described in~~ **under** subsection (a)(5)(A), the application
 9 must be accompanied by a statement to that effect from the executive
 10 **(as defined in IC 36-1-2-5)** of the unit in which the real property is
 11 located. ~~The affidavit must state that the proposed location is zoned for~~
 12 ~~the operation of a special event auction.~~
- 13 (c) The applicant may file the affidavit **or statement** at any time
 14 after the filing of the application. However, the secretary may not issue
 15 a special event auction permit until the applicant files the affidavit or
 16 statement.
- 17 **(d) The affidavit or statement may not be signed by a person**
 18 **described in subsection (a)(5)(A) or the executive of a unit**
 19 **described in subsection (b) more than ninety (90) days before the**
 20 **affidavit or statement is submitted to the secretary as part of an**
 21 **application for a permit under this section.**
- 22 ~~(d)~~ **(e)** Not more than two (2) special event permits may be issued
 23 by the secretary to the same applicant within a twelve (12) month
 24 period.
- 25 SECTION 37. IC 9-32-13-15.5, AS AMENDED BY P.L.112-2018,
 26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2019]: Sec. 15.5. (a) This section does not apply to
 28 manufacturers or distributors of manufactured housing, heavy duty
 29 vocational vehicles (as defined in 49 CFR 523.8), or recreational
 30 vehicles.
- 31 (b) Unless otherwise agreed, it is an unfair practice for a
 32 manufacturer or distributor to fail to compensate a dealer anything less
 33 than the dealer's retail rates for parts or labor the dealer uses in
 34 performing the warranty services of the manufacturer or distributor, or
 35 for a manufacturer or distributor of a separate vehicle component or
 36 major vehicle assembly that is warranted independently of the motor
 37 vehicle to fail to compensate a dealer anything less than the dealer's
 38 retail rate for the parts or labor the dealer uses in performing the
 39 warranty services of the manufacturer or distributor. The dealer's retail
 40 rate for parts must be a percentage determined by dividing the total
 41 charges for parts used in warranty like repairs by the dealer's total cost
 42 for those parts minus one (1) in the lesser of one hundred (100)



1 customer paid sequential repair orders or ninety (90) consecutive days
 2 of customer paid repair orders. The dealer's retail rate for labor shall be
 3 determined by dividing the total labor sales for warranty like repairs by
 4 the number of hours that generated those sales in one hundred (100)
 5 customer paid sequential repair orders or ninety (90) consecutive days
 6 of customer paid repair orders. A retail rate may be calculated based
 7 upon only customer paid repair orders charged within one hundred
 8 eighty (180) days before the date the dealer submits the declaration.

9 (c) The dealer's submission for retail rates must include a
 10 declaration of the dealer's retail rates for parts or labor along with the
 11 supporting service repair orders paid by customers. A manufacturer or
 12 distributor may challenge the dealer's declaration by submitting a
 13 rebuttal not later than sixty (60) days after the date the declaration was
 14 received. If the manufacturer or distributor does not send a timely
 15 rebuttal to the dealer, the retail rate is established as reasonable and
 16 goes into effect automatically.

17 (d) If a rebuttal in subsection (c) is timely sent, the rebuttal must
 18 substantiate how the dealer's declaration is unreasonable or materially
 19 inaccurate. The rebuttal must propose an adjusted retail rate and
 20 provide written support for the proposed adjustments. If the dealer does
 21 not agree with the adjusted retail rate, the dealer may file a complaint
 22 with the dealer services division within the office of the secretary of
 23 state.

24 (e) A complaint filed under subsection (d) must be filed not later
 25 than thirty (30) days after the dealer receives the manufacturer's or
 26 distributor's rebuttal. On or before filing a complaint, a dealer must
 27 serve a demand for mediation upon the manufacturer or distributor.

28 (f) When calculating the retail rate customarily charged by the
 29 dealer for parts or labor under this section, the following work may not
 30 be included:

- 31 (1) Repairs for manufacturer or distributor special events,
 32 specials, or promotional discounts for retail customer repairs.
- 33 (2) Parts sold or repairs performed at wholesale.
- 34 (3) Routine maintenance not covered under a retail customer
 35 warranty, such as fluids, filters, and belts not provided in the
 36 course of repairs.
- 37 (4) Nuts, bolts, fasteners, and similar items that do not have an
 38 individual part number.
- 39 (5) Vehicle reconditioning.
- 40 (6) Accessories.
- 41 (7) Repairs of damage caused by a collision, a road hazard, the
 42 force of the elements, vandalism, or theft.



1 (8) Vehicle emission or safety inspections required by law.

2 (9) Manufacturer or distributor reimbursed goodwill or policy
3 repairs or replacements.

4 (10) Replacement of tires.

5 (g) If a manufacturer or distributor furnishes a part or component to
6 a dealer at no cost to use in performing repairs under a recall, campaign
7 service, or warranty repair, the manufacturer or distributor shall
8 compensate the dealer for the part or component in the same manner
9 as warranty parts compensation under this section by compensating the
10 dealer the average markup on the cost for the part or component as
11 listed in the manufacturer's or distributor's initial or original price
12 schedule minus the cost for the part or component.

13 (h) A manufacturer or distributor may not require a dealer to
14 establish the retail rate customarily charged by the dealer for parts or
15 labor by an unduly burdensome or time consuming method or by
16 requiring information that is unduly burdensome or time consuming to
17 provide, including part by part or transaction by transaction
18 calculations. A dealer may not declare an average percentage parts
19 markup or average labor rate more than once in a twelve (12) month
20 period. A manufacturer or distributor may perform annual audits to
21 verify that a dealer's effective rates have not decreased. If a dealer's
22 effective rates have decreased, a manufacturer or distributor may
23 reduce the warranty reimbursement rate prospectively. A dealer may
24 elect to revert to the nonretail rate reimbursement for parts or labor not
25 more than once in a twelve (12) month period.

26 (i) ~~Except as provided in IC 9-32-13-16~~; A manufacturer or
27 distributor may not impose a surcharge on a dealer for the purpose of
28 recovering any of its costs related to the reimbursement of a dealer for
29 parts or labor required under this section. This subsection does not
30 prohibit a manufacturer or distributor from increasing the wholesale
31 price of a vehicle or part in the ordinary course of business.

32 (j) If a dealer files a complaint with the dealer services division
33 within the office of the secretary of state, the warranty reimbursement
34 rate in effect before any mediation or complaint remains in effect until
35 thirty (30) days after:

36 (1) a final decision has been issued by a court with jurisdiction;
37 and

38 (2) all appeals have been exhausted.

39 SECTION 38. IC 9-32-13-16, AS AMENDED BY P.L.174-2016,
40 SECTION 101, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) A manufacturer or
42 distributor and at least thirty percent (30%) of its franchisees in Indiana



1 of the same line make may agree in an express written contract citing
 2 this section to a uniform warranty reimbursement policy to be used by
 3 franchisees for the performance of warranty repairs. The contract must
 4 include reimbursement for parts used in warranty repairs or the use of
 5 a uniform time standards manual, or both. The allowance for diagnosis
 6 within the uniform time standards manual must be reasonable and
 7 adequate for the work and service to be performed. The manufacturer
 8 or distributor:

9 (1) may have only one (1) contract with regard to each line make;
 10 and

11 (2) must have a reasonable and fair procedure for franchisees to
 12 request a modification or adjustment of a standard included in the
 13 uniform time standards manual.

14 (b) A contract described in subsection (a) must meet the following
 15 criteria:

16 (1) Establish a uniform parts reimbursement rate that must be
 17 greater than the manufacturer's or distributor's nationally
 18 established parts reimbursement rate in effect at the time the
 19 contract becomes effective. A subsequent contract must include
 20 a uniform reimbursement rate that is equal to or greater than the
 21 rate in the immediately prior contract.

22 (2) Apply to all warranty repair orders written while the
 23 agreement is in effect.

24 (3) At any time during the period the contract is in effect:

25 (A) be available to any franchisee of the same line make as the
 26 franchisees that entered into the contract with the
 27 manufacturer or distributor; and

28 (B) be available to a franchisee of the same line make on the
 29 same terms as apply to the franchisees that entered into the
 30 contract with the manufacturer or distributor.

31 (4) Be for a term not to exceed three (3) years.

32 (5) Allow any party to the uniform warranty reimbursement policy
 33 to terminate the policy with thirty (30) days prior written notice
 34 to all parties upon the annual anniversary of the policy, if the
 35 policy is for at least one (1) year.

36 (6) Remain in effect for the entire original period if the
 37 manufacturer and at least one (1) franchisee remain parties to the
 38 policy.

39 (c) A manufacturer or distributor that enters into a contract with its
 40 franchisees under subsection (a) may seek to recover only its costs
 41 from a franchisee that receives a higher reimbursement rate, if
 42 authorized by law, subject to the following:



1 (1) Costs may be recovered only by increasing invoice prices on
2 new motor vehicles received by the franchisee.

3 (2) A manufacturer or distributor may make an exception for
4 motor vehicles that are titled in the name of a purchaser in
5 another state. However, price increases imposed for the purpose
6 of recovering costs imposed by this section may vary from time
7 to time and from model to model and must apply uniformly to all
8 franchisees of the same line make that have requested
9 reimbursement for warranty repairs at a level higher than
10 provided for in the contract.

11 ~~(d)~~ (c) A manufacturer or distributor that enters into a contract with
12 its franchisees under subsection (a) shall do the following:

13 (1) Certify to the secretary under oath, in a writing signed by a
14 representative of the manufacturer or distributor, that at the time
15 the contract was entered into at least thirty percent (30%) of the
16 franchisees of the line make were parties to the contract.

17 (2) File a copy of the contract with the ~~bureau~~ **secretary** at the
18 time of the certification.

19 (3) Maintain a file that contains the information upon which the
20 certification required under subdivision (1) is based for three (3)
21 years after the certification is made.

22 SECTION 39. IC 9-32-16-11, AS AMENDED BY P.L.137-2018,
23 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2019]: Sec. 11. (a) All dealers operating as a:

- 25 (1) corporation;
26 (2) limited liability company;
27 (3) limited partnership; or
28 (4) limited liability partnership;

29 shall file and maintain all filings required to remain in good standing
30 with the secretary of state business services division.

31 ~~(b) A dealer that applies for a license under this article shall provide~~
32 ~~the secretary:~~

- 33 ~~(1) the federal tax identification number; and~~
34 ~~(2) the registered retail merchant's certificate number issued~~
35 ~~under IC 6-2.5-8;~~

36 ~~issued to the dealer.~~

37 ~~(c)~~ (b) The dealer must, for the entire licensing period, have an
38 established place of business with a physical Indiana address. The
39 dealer may not have a mailing address that differs from the actual
40 location of the business. At the discretion of the secretary, an
41 exemption may be granted for dealers with an established place of
42 business in a location not serviced by the United States Postal Service



1 to allow a post office box to be used as a mailing address. A dealer
 2 using a post office box for this reason must notify the division in
 3 writing with the dealer's application.

4 ~~(d)~~ (c) Before the secretary may issue a license to a dealer, the
 5 following must submit to a national criminal history background check
 6 (as defined in IC 10-13-3-12) or expanded criminal history check (as
 7 defined in IC 20-26-2-1.5) administered by the state police:

- 8 (1) Each dealer owner.
- 9 (2) Each dealer manager.

10 The secretary shall make the determination whether an individual must
 11 submit to a national criminal history background check or an expanded
 12 criminal history check under this subsection.

13 ~~(e)~~ (d) A national criminal history background check or expanded
 14 criminal history check conducted under subsection ~~(d)~~: (c):

- 15 (1) is at the expense of the dealer and the dealer owners; and
- 16 (2) may be completed not more than sixty (60) days before the
 17 dealer applies for a license under this article.

18 ~~(f)~~ (e) The secretary may deny an application for a license if the
 19 division finds that a dealer owner or a dealer manager has been
 20 convicted of a:

- 21 (1) felony within the previous ten (10) years;
- 22 (2) felony or misdemeanor involving theft or fraud; or
- 23 (3) felony or misdemeanor concerning an aspect of business
 24 involving the offer, sale, financing, repair, modification, or
 25 manufacture of a motor vehicle or watercraft.

26 ~~(g)~~ (f) If a dealer adds or changes a dealer owner or dealer manager
 27 after issuance of the initial license, the dealer must submit an
 28 application for a change in ownership in a manner prescribed by the
 29 secretary not later than ten (10) days after the change. The new dealer
 30 owner or dealer manager shall submit to a national criminal history
 31 background check or expanded criminal history check as set forth in
 32 subsection ~~(d)~~: (c).

33 ~~(h)~~ (g) Following licensure under this article, a dealer shall, not later
 34 than ninety (90) days after the entry of an order or judgment, notify the
 35 division in writing if the dealer owner or dealer manager has been
 36 convicted of a:

- 37 (1) felony within the past ten (10) years;
- 38 (2) felony or misdemeanor involving theft or fraud; or
- 39 (3) felony or misdemeanor concerning an aspect of business
 40 involving the:
 41 (A) offer;
 42 (B) sale;



1 (C) financing;
 2 (D) repair;
 3 (E) modification; or
 4 (F) manufacture;
 5 of a motor vehicle or watercraft.
 6 (†) (h) The dealer and the corporation, company, or partnership must
 7 be in good standing with the bureau, the department of state revenue,
 8 the department of financial institutions, and the state police department
 9 during the entire period for which a license is valid.
 10 SECTION 40. IC 34-30-2-34 IS REPEALED [EFFECTIVE JULY
 11 1, 2019]. ~~Sec. 34. IC 9-31-3-6 (Concerning motorboat dealers who~~
 12 ~~grant temporary boat registration permits):~~
 13 SECTION 41. IC 34-30-2-34.2 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2019]: **Sec. 34.2. IC 9-32-8-7 (Concerning**
 16 **watercraft dealers who authorize the use of a temporary**
 17 **watercraft license plate).**
 18 SECTION 42. IC 35-52-9-55.5 IS REPEALED [EFFECTIVE JULY
 19 1, 2019]. ~~Sec. 55.5. IC 9-31-3-31~~ defines a crime concerning temporary
 20 license plates:
 21 SECTION 43. IC 35-52-9-58.1 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2019]: **Sec. 58.1. IC 9-32-8-9 defines crimes**
 24 **concerning temporary license plates.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1482, 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 8, line 34, delete "seven dollars (\$7)." and insert "**two dollars (\$2). The secretary shall retain the fee.**".

Page 8, delete lines 35 through 38.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1482 as introduced.)

SULLIVAN

Committee Vote: yeas 11, nays 1.

