



April 3, 2019

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# ENGROSSED HOUSE BILL No. 1482

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DIGEST OF HB 1482 (Updated April 2, 2019 12:25 pm - DI 132)

**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. Provides that an automotive salvage recycler must be licensed by the secretary of state before the automotive salvage recycler may do certain activities. 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  
(Continued next page)

**Effective:** July 1, 2019; July 1, 2020.

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## Sullivan, Forestal, Soliday, Austin

(SENATE SPONSORS — CRIDER, HOLDMAN)

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January 16, 2019, read first time and referred to Committee on Roads and Transportation.

January 31, 2019, amended, reported — Do Pass.

February 4, 2019, read second time, ordered engrossed.

February 5, 2019, engrossed.

February 7, 2019, read third time, passed. Yeas 80, nays 16.

SENATE ACTION

March 4, 2019, read first time and referred to Committee on Homeland Security and Transportation.

April 2, 2019, amended, reported favorably — Do Pass.

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EH 1482—LS 7286/DI 132



Digest Continued

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.

**EH 1482—LS 7286/DI 132**



April 3, 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.

## ENGROSSED HOUSE BILL No. 1482

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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

**EH 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           ~~(f)~~ ~~(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           ~~(f)~~ ~~(i)~~ **(h)** Fees collected under subsection ~~(f)~~ ~~(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           ~~(f)~~ ~~(k)~~ **(j)** The service charge under subsection ~~(k)~~ ~~(j)~~ **(i)** shall be  
21 deposited in the crossroads 2000 fund.

22           ~~(m)~~ ~~(f)~~ **(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 ~~(n)~~ ~~(m)~~ **(m)** 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~~ **An automotive**  
24 **salvage recycler** must be licensed by the secretary under this ~~chapter~~  
25 **article** before the ~~person automotive salvage recycler~~ may do any of  
26 the following:

27 (1) ~~Set~~ **Acquire, sell, or advertise for sale** a used major  
28 component part of a motor vehicle.

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

32 (3) Rebuild a ~~wrecked or dismantled~~ **salvage** motor vehicle for  
33 resale.

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

39 (5) (4) Engage in the business of storing, disposing, salvaging, or  
40 recycling of **operable or inoperable** motor vehicles, vehicle  
41 hulks, or parts of motor vehicles.

42 (b) ~~A person~~ **An automotive salvage recycler** who violates this



1 section commits a Class A infraction.

2 SECTION 17. IC 9-32-9-3, AS AMENDED BY P.L.179-2017,  
3 SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2019]: Sec. 3. (a) To apply for a license under this ~~chapter~~,  
5 **article**, an automotive salvage recycler must submit an application to  
6 the secretary. An application for a license under this ~~chapter~~ **article**  
7 must:

- 8 (1) be on a form prescribed by the secretary;  
9 (2) be completed by a dealer owner or dealer manager;  
10 (3) contain the information the secretary considers necessary to  
11 enable the secretary to determine fully:  
12 (A) the qualifications and eligibility of the applicant to receive  
13 the license; and  
14 (B) the ability of the applicant to properly conduct the business  
15 for which the application is submitted; and  
16 (4) be accompanied by the following:  
17 (A) Evidence of a bond required under IC 9-32-11-2.  
18 (B) Payment of the fee under subsection (c).  
19 (C) An affidavit from:  
20 (i) the person charged with enforcing a zoning ordinance, if  
21 the person exists; or  
22 (ii) the zoning enforcement officer under IC 36-7-4, if a  
23 zoning enforcement officer exists;  
24 who has jurisdiction over the real property where the applicant  
25 wants to operate as an automotive salvage recycler.

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

- 34 (1) meet the requirements under IC 9-32-11-2; and  
35 (2) be accompanied by payment of the fee under subsection  
36 (c).

37 (b) If an automotive salvage recycler license is lost or destroyed, the  
38 automotive salvage recycler shall apply for a replacement automotive  
39 salvage recycler license in the form and manner prescribed by the  
40 secretary.

41 (c) The fee for an automotive salvage recycler license under  
42 subsection (a) is ten dollars (\$10). The fee is nonrefundable and shall



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be retained by the secretary.

SECTION 18. IC 9-32-9-3.5, AS AMENDED BY P.L.174-2016, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. **(a) This section applies to a motor vehicle that is purchased for scrap, sale of parts, shredding, compacting, or any other type of dismantling or destruction.**

**(b)** An automotive salvage recycler ~~that buys motor vehicles~~ must:

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

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

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

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

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

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



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



1           (d) For each major component part acquired by the automotive  
2 salvage recycler, the record keeping forms required under  
3 subsection (a) must contain the following information:

4           (1) A description of the major component part, including  
5 numbers or other marks identifying the major component  
6 part.

7           (2) The date the major component part was acquired.

8           (3) The name and address of the person from whom the major  
9 component part was acquired.

10          (4) The vehicle identification number, if present on the major  
11 component part.

12          (5) A statement of whether any number on the major  
13 component part has been defaced, destroyed, or changed.

14          (e) For each major component part sold or disposed of by the  
15 automotive salvage recycler, the record keeping forms required  
16 under subsection (a) must contain the following information:

17          (1) A description of the major component part, including  
18 numbers or other marks identifying the major component  
19 part.

20          (2) The date the major component part was sold or disposed  
21 of.

22          (3) The way in which the major component part was disposed  
23 of.

24          (4) The vehicle identification number, if present on the major  
25 component part. If the vehicle identification number is not  
26 present on the major component part, the vehicle  
27 identification number from the source vehicle, if known.

28          (5) Verification of the purchaser of the major component part  
29 by confirming the purchaser's identity by a driver's license,  
30 a state issued identification card, or other reliable means.

31          ~~(e)~~ (f) Separate records for each vehicle or major component part  
32 must be maintained.

33          ~~(d)~~ (g) The ~~recordkeeping~~ **record keeping** requirements of this  
34 section do not apply to hulk crushers or to scrap metal processors when  
35 purchasing scrap from a person that is licensed under this article and  
36 that is required to keep records under this section.

37          ~~(e)~~ (h) An automotive salvage recycler licensed under this article  
38 that knowingly or intentionally fails to:

39          (1) maintain records regarding salvage vehicles or major  
40 component parts acquired or sold by the business; or

41          (2) maintain records regarding salvage vehicles or major  
42 component parts on forms that comply with ~~subsection (b)~~; **this**



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**section;**

commits a Class A infraction.

(f) (i) Records required to be maintained under this section may be maintained in any form of data storage acceptable to the secretary if the records are readily accessible and available to copy by an investigating or auditing employee of the secretary upon demand at the established place of business.

SECTION 22. IC 9-32-9-16, AS ADDED BY P.L.179-2017, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 16. (a) Unless otherwise specified or required, the records required under section 15 of this chapter shall be retained for five (5) years after the date the vehicle or major component part was acquired **or sold**, in the form prescribed by the secretary. The records must be maintained at the established place of business for two (2) years. Following the two (2) year period, records may be moved offsite, but must be maintained for five (5) years.

(b) An automotive salvage recycler that knowingly or intentionally fails to comply with subsection (a) commits a Class B misdemeanor.

SECTION 23. IC 9-32-9-19, AS ADDED BY P.L.179-2017, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) A record required to be maintained under this chapter is subject to inspection by a police officer during normal business hours. In addition to the inspections authorized under section 20 of this chapter, an inspection under this section may include an examination of the premises of the ~~licensee's~~ **automotive salvage recycler's** established place of business for the purpose of determining the accuracy of the required records.

(b) ~~A recycling facility; automotive salvage rebuilders; or used parts dealer~~ **An automotive salvage recycler** that knowingly or intentionally fails to:

- (1) maintain records as required under this chapter; or
- (2) allow an inspection of a licensee's established place of business for the purpose of determining the accuracy of required records;

commits a Class A infraction.

SECTION 24. IC 9-32-9-20, AS ADDED BY P.L.179-2017, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 20. (a) The secretary of state, a police officer, or an agent of the secretary of state or a police officer may enter upon the premises of an automotive salvage recycler during normal business hours to inspect a vehicle, **a** major component part, records, **a certificate of authority**, a certificate of title, and other ownership





1 documents to determine compliance with this chapter.

2 (b) A person that knowingly or intentionally prevents the secretary  
3 of state, a police officer, or **an** agent of the secretary of state from  
4 inspecting a vehicle, a major component part, a record, **a certificate of**  
5 **authority**, a certificate of title, or another ownership document during  
6 normal business hours commits a Class A infraction.

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

14 SECTION 26. IC 9-32-9-29, AS ADDED BY P.L.179-2017,  
15 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2020]: Sec. 29. (a) An automotive salvage recycler or an agent  
17 of an automotive salvage recycler may purchase a **motor** vehicle  
18 without a certificate of title for the **motor** vehicle if:

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

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

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



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



1 or certificate of authority for the **motor** vehicle commits a Level 6  
2 felony.

3 SECTION 27. IC 9-32-10-2, AS AMENDED BY P.L.174-2016,  
4 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2019]: Sec. 2. ~~(a)~~ The advisory board is composed of the  
6 secretary and eleven (11) persons appointed by the governor upon the  
7 recommendation of the secretary as follows:

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

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

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

13 **and**

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

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

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

19 **and**

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

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

23 (A) represent the motor vehicle manufacturing industry;

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

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

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

32 ~~(4)~~ (3) ~~One (1) member~~ **At least two (2) members** must:

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

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

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

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

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

41 (8) ~~One (1) member~~ must represent the recreational vehicle  
42 industry.



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



1 (b) After January 1, 2018, an automotive mobility dealer must hold  
2 an automotive mobility dealer endorsement issued under this article.

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

6 (1) selling;

7 (2) installing;

8 (3) servicing; or

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

13 SECTION 30. IC 9-32-11-2, AS AMENDED BY P.L.179-2017,  
14 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2019]: Sec. 2. (a) An application for a license under this  
16 ~~chapter~~ **article** must:

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

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

20 (3) contain the information the secretary considers necessary to  
21 enable the secretary to determine fully:

22 (A) the qualifications and eligibility of the applicant to receive  
23 the license; and

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

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

27 **(5) contain evidence of liability coverage required by section**  
28 **14 of this chapter;**

29 **(6) contain the federal tax identification number issued to the**  
30 **dealer;**

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

33 ~~(5)~~ **(8)** be completed by a dealer owner or dealer manager.

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

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

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

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



1 (2) the zoning enforcement officer under IC 36-7-4; if one exists;  
 2 who has jurisdiction over the real property where the applicant wants  
 3 to operate as a dealer. If there is no person or officer that has  
 4 jurisdiction over the real property, the application must be  
 5 accompanied by a statement to that effect from the executive of the unit  
 6 in which the real property is located. The affidavit must state that the  
 7 proposed location is zoned for the operation of a dealer's establishment.  
 8 The applicant may file the affidavit at any time after the filing of the  
 9 application. However, the secretary may not issue a license until the  
 10 applicant files the affidavit or the statement.

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

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

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

27 (h) If:

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

30 (2) the dealer operates the manufactured home community;  
 31 and

32 (3) the dealer is selling or will be selling only manufactured  
 33 homes that:

34 (A) are already located within the manufactured home  
 35 community; or

36 (B) will be installed within the manufactured home  
 37 community;

38 the application must be accompanied by an affidavit under  
 39 subsection (i).

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

42 (1) a zoning affidavit or statement is not required under



- 1           **subsection (h); and**  
 2           **(2) the applicant intends to sell only manufactured homes to**  
 3           **buyers that purchase manufactured homes with the intent for**  
 4           **the manufactured home to:**  
 5           **(A) remain within the manufactured home community; or**  
 6           **(B) be installed within the manufactured home community.**  
 7           **(j) If the secretary receives a written complaint from a person**  
 8           **described in subsection (d)(1) or (d)(2) that a dealer under**  
 9           **subsection (h) is operating in violation of a local zoning ordinance,**  
 10           **the secretary shall delay the issuance or renewal of the dealer's**  
 11           **license until the local zoning complaints have been satisfied.**  
 12           ~~(e)~~ **(k) A licensee shall maintain a bond satisfactory to the secretary**  
 13           **in the amount of twenty-five thousand dollars (\$25,000). The bond**  
 14           **must:**  
 15           (1) be in favor of the state;  
 16           (2) secure payment of fines, penalties, costs, and fees assessed by  
 17           the secretary after:  
 18           (A) notice;  
 19           (B) opportunity for a hearing; and  
 20           (C) opportunity for judicial review; and  
 21           (3) secure the payment of damages to a person aggrieved by a  
 22           violation of this article by the licensee after a judgment has been  
 23           issued.  
 24           ~~(f)~~ **(l) Service under this chapter shall be made in accordance with**  
 25           **the Indiana Rules of Trial Procedure.**  
 26           ~~(g)~~ **(m) The fee for a license for a manufacturer or a distributor is**  
 27           **thirty-five dollars (\$35).**  
 28           ~~(h)~~ **(n) The fee for a license for a dealer, other than a manufacturer,**  
 29           **converter manufacturer, distributor, watercraft dealer, automotive**  
 30           **salvage recycler, or transfer dealer is thirty dollars (\$30).**  
 31           ~~(i)~~ **(o) The fee for a transfer dealer or a converter manufacturer is**  
 32           **twenty dollars (\$20).**  
 33           ~~(j)~~ **(p) The fees collected under this section are nonrefundable and**  
 34           **shall be deposited as set forth in IC 9-32-7-3.**  
 35           SECTION 31. IC 9-32-11-6, AS AMENDED BY P.L.179-2017,  
 36           SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37           JULY 1, 2019]: Sec. 6. (a) A license issued to a dealer under this  
 38           article:  
 39           (1) must specify the established place of business; and  
 40           (2) shall be conspicuously displayed at the established place of  
 41           business.  
 42           (b) If a dealer's:



- 1 (1) business name, including a doing business as name;
- 2 (2) established place of business address;
- 3 (3) business entity type;
- 4 (4) contact information; ~~or~~
- 5 (5) dealer owner; ~~or~~
- 6 **(6) dealer manager;**

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

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

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

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

- 30 (1) the person charged with enforcing a zoning ordinance
- 31 described in this subsection; or
- 32 (2) the zoning enforcement officer under IC 36-7-4; ~~if one exists;~~

33 that has jurisdiction over the real property where the applicant wants  
34 to operate as a dealer.

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

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





1 affidavit or the statement.

2 **(h) The affidavit or statement may not be signed by a person**  
 3 **described in subsection (e)(1) or (e)(2) or the executive of a unit**  
 4 **more than ninety (90) days before the affidavit or statement is**  
 5 **submitted to the secretary as part of an application for a change of**  
 6 **location.**

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

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

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

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

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

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

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

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

36 SECTION 33. IC 9-32-11-11, AS AMENDED BY P.L.174-2016,  
 37 SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2019]: Sec. 11. (a) Except as provided in subsections (b)  
 39 through (g), the secretary shall issue an offsite sales permit to a dealer  
 40 licensed under this chapter who submits an application for the permit  
 41 not later than ten (10) business days or two (2) calendar weeks before  
 42 the offsite sale date. Permit applications under this section shall be



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



1           **(i) The affidavit or statement may not be signed by a person**  
 2 **described in subsection (f)(1) or (f)(2) or the executive of a unit**  
 3 **more than ninety (90) days before the affidavit or statement is**  
 4 **submitted to the secretary as part of an application for a permit**  
 5 **under this section.**

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

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

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

15           SECTION 34. IC 9-32-11-11.5, AS AMENDED BY P.L.174-2016,  
 16 SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2019]: Sec. 11.5. (a) A person that is a licensed dealer in a  
 18 state other than Indiana may apply for an out-of-state dealer special  
 19 event permit from the secretary for a special event auction if the  
 20 following conditions are met:

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

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

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

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

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

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

32           (5) The application for the special event permit includes the  
 33 following:

34           (A) Copies of licenses for all auctioneers for the special event  
 35 auction.

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

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

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

40 ~~(i)~~ the person charged with enforcing a zoning ordinance, if  
 41 ~~the person exists~~; or

42 ~~(ii)~~ the zoning enforcement officer under IC 36-7-4 if a



1            ~~zoning enforcement officer exists~~; who has jurisdiction over  
 2            the real property where the applicant wants to operate the  
 3            special event auction.

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

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

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

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

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

26           SECTION 35. IC 9-32-11-18, AS AMENDED BY P.L.179-2017,  
 27           SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28           JULY 1, 2019]: Sec. 18. (a) A person licensed under this article shall  
 29           be issued a special event permit from the secretary for a special event  
 30           that meets the following conditions:

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

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

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

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

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

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

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



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



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

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

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

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

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

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



- 1 (7) Repairs of damage caused by a collision, a road hazard, the  
 2 force of the elements, vandalism, or theft.  
 3 (8) Vehicle emission or safety inspections required by law.  
 4 (9) Manufacturer or distributor reimbursed goodwill or policy  
 5 repairs or replacements.  
 6 (10) Replacement of tires.
- 7 (g) If a manufacturer or distributor furnishes a part or component to  
 8 a dealer at no cost to use in performing repairs under a recall, campaign  
 9 service, or warranty repair, the manufacturer or distributor shall  
 10 compensate the dealer for the part or component in the same manner  
 11 as warranty parts compensation under this section by compensating the  
 12 dealer the average markup on the cost for the part or component as  
 13 listed in the manufacturer's or distributor's initial or original price  
 14 schedule minus the cost for the part or component.
- 15 (h) A manufacturer or distributor may not require a dealer to  
 16 establish the retail rate customarily charged by the dealer for parts or  
 17 labor by an unduly burdensome or time consuming method or by  
 18 requiring information that is unduly burdensome or time consuming to  
 19 provide, including part by part or transaction by transaction  
 20 calculations. A dealer may not declare an average percentage parts  
 21 markup or average labor rate more than once in a twelve (12) month  
 22 period. A manufacturer or distributor may perform annual audits to  
 23 verify that a dealer's effective rates have not decreased. If a dealer's  
 24 effective rates have decreased, a manufacturer or distributor may  
 25 reduce the warranty reimbursement rate prospectively. A dealer may  
 26 elect to revert to the nonretail rate reimbursement for parts or labor not  
 27 more than once in a twelve (12) month period.
- 28 (i) ~~Except as provided in IC 9-32-13-16,~~ A manufacturer or  
 29 distributor may not impose a surcharge on a dealer for the purpose of  
 30 recovering any of its costs related to the reimbursement of a dealer for  
 31 parts or labor required under this section. This subsection does not  
 32 prohibit a manufacturer or distributor from increasing the wholesale  
 33 price of a vehicle or part in the ordinary course of business.
- 34 (j) If a dealer files a complaint with the dealer services division  
 35 within the office of the secretary of state, the warranty reimbursement  
 36 rate in effect before any mediation or complaint remains in effect until  
 37 thirty (30) days after:
- 38 (1) a final decision has been issued by a court with jurisdiction;  
 39 and  
 40 (2) all appeals have been exhausted.
- 41 SECTION 37. IC 9-32-13-16, AS AMENDED BY P.L.174-2016,  
 42 SECTION 101, IS AMENDED TO READ AS FOLLOWS

**EH 1482—LS 7286/DI 132**



1 [EFFECTIVE JULY 1, 2019]: Sec. 16. (a) A manufacturer or  
 2 distributor and at least thirty percent (30%) of its franchisees in Indiana  
 3 of the same line make may agree in an express written contract citing  
 4 this section to a uniform warranty reimbursement policy to be used by  
 5 franchisees for the performance of warranty repairs. The contract must  
 6 include reimbursement for parts used in warranty repairs or the use of  
 7 a uniform time standards manual, or both. The allowance for diagnosis  
 8 within the uniform time standards manual must be reasonable and  
 9 adequate for the work and service to be performed. The manufacturer  
 10 or distributor:

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

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

16 (b) A contract described in subsection (a) must meet the following  
 17 criteria:

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

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

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

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

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

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

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

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

41 ~~(c) A manufacturer or distributor that enters into a contract with its~~  
 42 ~~franchisees under subsection (a) may seek to recover only its costs~~





1 from a franchisee that receives a higher reimbursement rate; if  
2 authorized by law, subject to the following:

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

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

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

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

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

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

24 SECTION 38. IC 9-32-16-11, AS AMENDED BY P.L.137-2018,  
25 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2019]: Sec. 11. (a) All dealers operating as a:

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

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

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

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

38 ~~issued to the dealer.~~

39 ~~(e)~~ (b) The dealer must, for the entire licensing period, have an  
40 established place of business with a physical Indiana address. The  
41 dealer may not have a mailing address that differs from the actual  
42 location of the business. At the discretion of the secretary, an



1 exemption may be granted for dealers with an established place of  
 2 business in a location not serviced by the United States Postal Service  
 3 to allow a post office box to be used as a mailing address. A dealer  
 4 using a post office box for this reason must notify the division in  
 5 writing with the dealer's application.

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

- 10 (1) Each dealer owner.
- 11 (2) Each dealer manager.

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

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

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

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

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

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

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

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



- 1 (A) offer;  
 2 (B) sale;  
 3 (C) financing;  
 4 (D) repair;  
 5 (E) modification; or  
 6 (F) manufacture;  
 7 of a motor vehicle or watercraft.
- 8 (†) (h) The dealer and the corporation, company, or partnership must  
 9 be in good standing with the bureau, the department of state revenue,  
 10 the department of financial institutions, and the state police department  
 11 during the entire period for which a license is valid.
- 12 SECTION 39. IC 34-30-2-34 IS REPEALED [EFFECTIVE JULY  
 13 1, 2019]. ~~Sec. 34. IC 9-31-3-6 (Concerning motorboat dealers who~~  
 14 ~~grant temporary boat registration permits).~~
- 15 SECTION 40. IC 34-30-2-34.2 IS ADDED TO THE INDIANA  
 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2019]: **Sec. 34.2. IC 9-32-8-7 (Concerning**  
 18 **watercraft dealers who authorize the use of a temporary**  
 19 **watercraft license plate).**
- 20 SECTION 41. IC 35-52-9-55.5 IS REPEALED [EFFECTIVE JULY  
 21 1, 2019]. ~~Sec. 55.5. IC 9-31-3-31 defines a crime concerning temporary~~  
 22 ~~license plates.~~
- 23 SECTION 42. IC 35-52-9-58.1 IS ADDED TO THE INDIANA  
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 25 [EFFECTIVE JULY 1, 2019]: **Sec. 58.1. IC 9-32-8-9 defines crimes**  
 26 **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.

Re-number 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.

## COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred House Bill No. 1482, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 22 with "[EFFECTIVE JULY 1, 2020]".

Replace the effective date in SECTION 24 with "[EFFECTIVE JULY 1, 2020]".

Replace the effective date in SECTION 27 with "[EFFECTIVE JULY 1, 2020]".

Page 9, line 23, strike "A person" and insert "**An automotive salvage recycler**".

Page 9, line 24, strike "person" and insert "**automotive salvage recycler**".

Page 9, line 26, strike "Sell" and insert "**Acquire, sell, or advertise for sale**".

Page 9, line 30, strike "wrecked or dismantled" and insert "**salvage**".

Page 9, line 39, strike "A person" and insert "**An automotive salvage recycler**".

Page 10, delete lines 40 through 42, begin a new paragraph and

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insert:

"SECTION 19. IC 9-32-9-3.5, AS AMENDED BY P.L.174-2016, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 3.5. **(a) This section applies to a motor vehicle that is purchased for scrap, sale of parts, shredding, compacting, or any other type of dismantling or destruction.**

**(b)** An automotive salvage recycler ~~that buys motor vehicles~~ must:

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

Page 11, delete lines 1 through 6.

Page 15, delete lines 8 through 11.

Page 20, line 21, delete "(d)(1), (d)(2)," and insert "**(d)(1) or (d)(2)**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1482 as printed February 1, 2019.)

CRIDER, Chairperson

Committee Vote: Yeas 7, Nays 0.

