



February 10, 2017

HOUSE BILL No. 1488

DIGEST OF HB 1488 (Updated February 8, 2017 1:26 pm - DI 113)

Citations Affected: IC 8-14; IC 9-13; IC 9-22; IC 9-31; IC 9-32; IC 34-30; IC 35-52.

Synopsis: Auto dealer services. Makes various changes to the motor vehicle law concerning dealerships, licensing of watercraft and automotive mobility dealers, and automotive salvage recycler recordkeeping. Establishes the consumer restitution fund.

Effective: July 1, 2017.

Sullivan, Siegrist, Austin

January 18, 2017, read first time and referred to Committee on Roads and Transportation.
February 9, 2017, amended, reported — Do Pass.

HB 1488—LS 7056/DI 128



February 10, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1488

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 8-14-10-9, AS AMENDED BY P.L.216-2014,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2017]: Sec. 9. (a) The crossroads 2000 fund is established for
4 the purpose of constructing or reconstructing state highways. The
5 crossroads 2000 fund consists of distributions received under ~~IC 9-29-~~
6 **IC 9-18.1, IC 9-18.5, IC 9-24, and IC 9-32.**
7 (b) The crossroads 2000 fund shall be administered by the
8 department. The treasurer of state shall invest the money in the
9 crossroads 2000 fund not currently needed to meet the obligations of
10 the crossroads 2000 fund in the same manner as other public funds may
11 be invested.
12 (c) Money in the crossroads 2000 fund at the end of a state fiscal
13 year does not revert to the state general fund.
14 (d) The department may use the money in the crossroads 2000 fund
15 only to pay the following costs:
16 (1) The cost of construction or reconstruction of a state highway.
17 (2) The cost of acquisition of all land, rights-of-way, property,

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1 rights, easements, and any other legal or equitable interests
 2 acquired by the department for the construction or reconstruction
 3 of a state highway, including the cost of any relocations incident
 4 to the acquisition.

5 (3) The cost of demolishing or removing any buildings, structures,
 6 or improvements on property acquired by the department for the
 7 construction or reconstruction of a state highway.

8 (4) Engineering and legal expenses and the costs of plans,
 9 specifications, surveys, estimates, and any necessary feasibility
 10 studies.

11 (5) Payment of rentals and performance of other obligations under
 12 contracts or leases securing bonds issued under IC 8-14.5-6.

13 SECTION 2. IC 9-13-2-8.5, AS ADDED BY P.L.147-2009,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2017]: Sec. 8.5. "Automotive mobility dealer" means a person
 16 that:

17 (1) engages exclusively in the business of selling, offering to sell,
 18 or soliciting or advertising the sale of adapted vehicles **or**
 19 **watercraft**;

20 (2) possesses adapted vehicles **or watercraft** exclusively for the
 21 purpose of resale, either on the automotive mobility dealer's own
 22 account or on behalf of another as the primary or incidental
 23 business of the automotive mobility dealer; or

24 (3) engages in the business of:

25 (A) selling, installing, or servicing;

26 (B) offering to sell, install, or service; or

27 (C) soliciting or advertising the sale, installation, or servicing
 28 of;

29 equipment or modifications specifically designed to facilitate use
 30 or operation of a vehicle **or watercraft** by an individual who is
 31 disabled or aged.

32 **The term includes a converter manufacturer (as defined by**
 33 **IC 9-32-2-9.5) that engages in any of the activities set forth in**
 34 **subdivisions (1), (2), and (3).**

35 SECTION 3. IC 9-13-2-42, AS AMENDED BY P.L.174-2016,
 36 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2017]: Sec. 42. (a) "Dealer" means, except as otherwise
 38 provided in this section, a person that:

39 (1) sells;

40 (2) offers to sell; or

41 (3) advertises for sale;

42 including directly by the Internet or other computer network, at least



1 twelve (12) vehicles within a twelve (12) month period. The term
 2 includes a person that sells off-road vehicles, snowmobiles, or
 3 mini-trucks. A dealer must have an established place of business that
 4 meets the minimum standards prescribed by the secretary of state under
 5 rules adopted under IC 4-22-2.

6 (b) The term does not include the following:

7 (1) A receiver, trustee, or other person appointed by or acting
 8 under the judgment or order of a court.

9 (2) A public officer while performing official duties.

10 **(3) A person that holds a mechanic's lien on a vehicle under**
 11 **IC 9-22-6, if the person sells the vehicle:**

12 **(A) in accordance with requirements in IC 9-22-6; or**

13 **(B) to an automotive salvage recycler licensed under**
 14 **IC 9-32-9 after the vehicle fails to sell at a public auction**
 15 **conducted in compliance with IC 9-22-6.**

16 **(4) A person that holds a lien for towing services under**
 17 **IC 9-22-1, if the person complies with all applicable**
 18 **requirements in IC 9-22-1 and IC 9-22-6.**

19 (c) "Dealer", for purposes of IC 9-31, means a person that sells,
 20 offers to sell, or advertises for sale at least six (6):

21 (1) watercraft; or

22 (2) trailers:

23 (A) designed and used exclusively for the transportation of
 24 watercraft; and

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

26 within a twelve (12) month period.

27 (d) "Dealer", for purposes of IC 9-32, and unless otherwise
 28 provided, means:

29 (1) an automobile auction;

30 (2) an automotive mobility dealer;

31 (3) a converter manufacturer;

32 (4) a dealer;

33 (5) a distributor;

34 (6) a manufacturer;

35 (7) an automotive salvage recycler;

36 (8) a transfer dealer;

37 (9) a watercraft dealer; or

38 (10) before July 1, 2015, a wholesale dealer.

39 SECTION 4. IC 9-13-2-42.3 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2017]: **Sec. 42.3. "Dealer manager", for purposes of IC 9-32, has**
 42 **the meaning set forth in IC 9-32-2-9.7.**



1 SECTION 5. IC 9-13-2-42.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2017]: **Sec. 42.5. "Dealer owner", for purposes of IC 9-32, has
 4 the meaning set forth in IC 9-32-2-9.9.**

5 SECTION 6. IC 9-13-2-42.7 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2017]: **Sec. 42.7. "Dealer compliance account" refers to the
 8 dealer compliance account established by IC 9-32-7-1.**

9 SECTION 7. IC 9-13-2-50, AS AMENDED BY P.L.92-2013,
 10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2017]: **Sec. 50. (a) "Established place of business" means
 12 premises owned or leased and continuously occupied by a dealer
 13 licensed or applying to be licensed under IC 9-32 for the primary
 14 purpose of the business activity for which the dealer is licensed or
 15 applying to be licensed that:**

16 **(1) contains a permanent enclosed building or structure owned or**
 17 **leased for the purpose of offering for sale, trading, and selling**
 18 **motor vehicles for the purpose of carrying out the business for**
 19 **which the dealer is licensed or applying to be licensed under**
 20 **IC 9-32; and**

21 **(2) meets any additional requirements established by IC 9-32**
 22 **or rules adopted by the secretary under IC 4-22-2.**

23 **(b) The term does not include a residence, tent, temporary stand, or**
 24 **permanent quarters temporarily occupied.**

25 SECTION 8. IC 9-13-2-69.1 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2017]: **Sec. 69.1. "Fund", for purposes of IC 9-32-18, has the
 28 meaning set forth in IC 9-32-18-1.**

29 SECTION 9. IC 9-13-2-146.1 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2017]: **Sec. 146.1. "Qualifying claim", for
 32 purposes of IC 9-32-18, has the meaning set forth in IC 9-32-18-2.**

33 SECTION 10. IC 9-13-2-146.3 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2017]: **Sec. 146.3. "Qualifying individual",
 36 for purposes of IC 9-32-18, has the meaning set forth in
 37 IC 9-32-18-3.**

38 SECTION 11. IC 9-22-3-7 IS REPEALED [EFFECTIVE JULY 1,
 39 2017]. **Sec. 7. (a) A dealer licensed under IC 9-32 may reassign a
 40 certificate of salvage title one (1) time without applying to the bureau
 41 for the issuance of a new certificate of salvage title.**

42 **(b) A dealer that violates this section commits a Class A infraction.**



1 SECTION 12. IC 9-22-3-7.5 IS REPEALED [EFFECTIVE JULY
2 1, 2017]. Sec. 7.5: (a) A dealer licensed under IC 9-32 shall secure an
3 affidavit from the person that holds the certificate of title on the date of
4 receiving a title by sale or transfer. The affidavit must state whether the
5 vehicle is a flood damaged vehicle.

6 (b) The dealer shall file the affidavit secured under subsection (a)
7 with the bureau upon receiving the affidavit and shall retain a copy of
8 the affidavit with the records of the dealer.

9 (c) Submission of a fraudulent affidavit under subsection (a) will
10 subject the affiant to civil liability for all damages incurred by a dealer
11 subsequent purchaser or transferee of the title, including reasonable
12 attorney's fees and court costs (including fees).

13 (d) A dealer that knowingly or intentionally fails to comply with
14 subsection (a) or (b) commits a Class B misdemeanor.

15 (e) A person that knowingly or intentionally submits a fraudulent
16 affidavit under subsection (a) commits a Class A infraction.

17 SECTION 13. IC 9-22-3-13 IS REPEALED [EFFECTIVE JULY 1,
18 2017]. Sec. 13: A scrap metal processor or other appropriate facility
19 that purchases or acquires a salvage motor vehicle that has been totally
20 demolished or destroyed as a result of normal processing performed by
21 a recycling facility is not required to apply for and receive a certificate
22 of salvage title for the vehicle. The facility or processor that performed
23 the processing that resulted in the vehicle being demolished or
24 destroyed shall surrender the certificate of title, the certificate of
25 authority, or the certificate of salvage title to the bureau.

26 SECTION 14. IC 9-22-3-19 IS REPEALED [EFFECTIVE JULY 1,
27 2017]. Sec. 19: (a) The secretary of state shall prescribe recordkeeping
28 forms to be used by an automotive salvage recycler licensed under
29 IC 9-32 to preserve information about salvage vehicles or major
30 component parts acquired or sold by the business.

31 (b) The recordkeeping forms required under subsection (a) must
32 contain the following information:

33 (1) For each new or used vehicle acquired or disposed of or for
34 the major component parts of a new or used vehicle, the
35 following:

36 (A) A description of the vehicle or major component part,
37 including numbers or other marks identifying the vehicle or
38 major component part.

39 (B) The date the vehicle or major component part was
40 acquired and disposed of.

41 (C) The name and address of the person from whom the
42 vehicle or major component part was acquired.



- 1 (D) Verification of the purchaser of the vehicle or major
2 component part by driver's license, state identification card; or
3 other reliable means:
- 4 (2) For vehicles acquired or disposed of, in addition to the
5 information required by subdivision (1); the following:
- 6 (A) The vehicle's trade name:
7 (B) The vehicle's manufacturer:
8 (C) The vehicle's type:
9 (D) The model year and vehicle identification number:
10 (E) A statement of whether any number has been defaced;
11 destroyed; or changed:
- 12 (3) For wrecked, dismantled, or rebuilt vehicles, the date the
13 vehicle was dismantled or rebuilt.
- 14 (c) Separate records for each vehicle or major component part must
15 be maintained:
- 16 (d) The recordkeeping requirements of this section do not apply to
17 hulk crushers or to scrap metal processors when purchasing scrap from
18 a person that is licensed under IC 9-32 and that is required to keep
19 records under this section:
- 20 (e) An automotive salvage recycler licensed under IC 9-32 that
21 knowingly or intentionally fails to:
- 22 (1) maintain records regarding salvage vehicles or major
23 component parts acquired or sold by the business; or
24 (2) maintain records regarding salvage vehicles or major
25 component parts on forms that comply with subsection (b);
26 commits a Class A infraction:
- 27 SECTION 15. IC 9-22-3-20 IS REPEALED [EFFECTIVE JULY 1,
28 2017]. Sec. 20: (a) Unless otherwise specified or required, the records
29 required under section 19 of this chapter shall be retained for a period
30 of five (5) years from the date the vehicle or major component part was
31 acquired; in the form prescribed by the secretary of state:
- 32 (b) An automotive salvage recycler that knowingly or intentionally
33 fails to comply with subsection (a) commits a Class B misdemeanor:
- 34 SECTION 16. IC 9-22-3-21 IS REPEALED [EFFECTIVE JULY 1,
35 2017]. Sec. 21: (a) The records required under section 19 of this
36 chapter must be available to and produced at the request of a police
37 officer or an authorized agent of the secretary of state under this
38 chapter:
- 39 (b) An automotive salvage recycler that fails to make available or
40 produce the records described under section 19 of this chapter for a
41 police officer or an authorized agent of the secretary of the state
42 commits a Class A infraction:



1 SECTION 17. IC 9-22-3-22 IS REPEALED [EFFECTIVE JULY 1,
2 2017]. Sec. 22: (a) This section applies to vehicles and their component
3 parts that are in either their current model year or in the immediately
4 preceding six (6) model years when purchased by a recycling facility
5 or automotive salvage rebuilder.

6 (b) A recycling facility and automotive salvage rebuilder licensed
7 under IC 9-32-9 must complete the recordkeeping forms developed
8 under section 19 of this chapter for the purchase of a salvage motor
9 vehicle or major component part.

10 (c) A recycling facility or automotive salvage rebuilder that fails to
11 comply with subsection (a) or (b) commits a Class A infraction.

12 SECTION 18. IC 9-22-3-23 IS REPEALED [EFFECTIVE JULY 1,
13 2017]. Sec. 23: (a) A record required to be maintained under this
14 chapter is subject to inspection by a police officer during normal
15 business hours. In addition to the inspections authorized under section
16 24 of this chapter, an inspection under this section may include an
17 examination of the premises of the licensee's established place of
18 business for the purpose of determining the accuracy of the required
19 records.

20 (b) A recycling facility, automotive salvage rebuilder, or used parts
21 dealer that knowingly or intentionally fails to:

22 (1) maintain records as required under this chapter; or

23 (2) allow an inspection of a licensee's established place of
24 business for the purpose of determining the accuracy of required
25 records;

26 commits a Class A infraction.

27 SECTION 19. IC 9-22-3-24 IS REPEALED [EFFECTIVE JULY 1,
28 2017]. Sec. 24: (a) The secretary of state, a police officer, or an agent
29 of the secretary of state or a police officer may enter upon the premises
30 of an automotive salvage recycler during normal business hours to
31 inspect a vehicle, major component part, records, certificate of title,
32 and other ownership documents to determine compliance with this
33 chapter.

34 (b) A person that knowingly or intentionally prevents the secretary
35 of state, a police officer, or agent of the secretary of state from
36 inspecting a vehicle, a major component part, a record, a certificate of
37 title, or another ownership document during normal business hours
38 commits a Class A infraction.

39 SECTION 20. IC 9-22-3-26 IS REPEALED [EFFECTIVE JULY 1,
40 2017]. Sec. 26: A court may issue a warrant to search the premises of
41 an automotive salvage rebuilder, an automotive salvage recycler, a
42 recycling facility, or a used parts dealer for any major component parts



1 being possessed, kept, sold, bartered, given away, used, or transported
2 in violation of this chapter.

3 SECTION 21. IC 9-22-3-27 IS REPEALED [EFFECTIVE JULY 1,
4 2017]. Sec. 27: A warrant issued under section 26 of this chapter shall
5 be directed to a police officer who has the power of criminal process.
6 The person to whom the warrant was issued shall serve the warrant and
7 make the return within twenty (20) days after the date of issue.

8 SECTION 22. IC 9-22-3-28 IS REPEALED [EFFECTIVE JULY 1,
9 2017]. Sec. 28: The police officer who serves a warrant issued under
10 section 26 of this chapter shall seize any article described in the
11 warrant and any other article the police officer finds during the search
12 that is held in violation of this chapter. The police officer shall hold the
13 articles pending the disposition ordered by the court in which a
14 prosecution may be instituted for a violation of this chapter.

15 SECTION 23. IC 9-22-3-29 IS REPEALED [EFFECTIVE JULY 1,
16 2017]. Sec. 29: A major component part seized under this chapter and
17 any other article found on the searched premises and taken under a
18 warrant issued under section 26 of this chapter may not be taken from
19 the custody of the person who served the warrant by a writ of replevin
20 or other process while proceedings are pending.

21 SECTION 24. IC 9-22-3-35 IS REPEALED [EFFECTIVE JULY 1,
22 2017]. Sec. 35: The prosecution of a recycling facility, automotive
23 salvage rebuilder, insurance company, or individual suspected of
24 having violated this section may be instituted by the filing of an
25 information or indictment in the same manner as other criminal cases
26 are commenced.

27 SECTION 25. IC 9-22-5-18.2 IS REPEALED [EFFECTIVE JULY
28 1, 2017]. Sec. 18.2: (a) An automotive salvage recycler or an agent of
29 an automotive salvage recycler may purchase a vehicle without a
30 certificate of title for the vehicle if:

- 31 (1) the vehicle is at least fifteen (15) model years old;
- 32 (2) the purchase is solely for the purpose of dismantling or
33 wrecking the vehicle for the recovery of scrap metal or the sale of
34 parts; and
- 35 (3) the automotive salvage recycler records all purchase
36 transactions of vehicles as required in subsection (b).

37 (b) An automotive salvage recycler shall maintain the following
38 information with respect to each vehicle purchase transaction to which
39 the automotive salvage recycler is a party for at least five (5) years
40 following the date of the purchase transaction:

- 41 (1) The name and address of any scrap metal processor or
42 automobile scrapyards.



- 1 (2) The name of the person entering the information.
 2 (3) The date and time of the purchase transaction.
 3 (4) A description of the vehicle that is the subject of the purchase
 4 transaction, including the make and model of the vehicle, if
 5 practicable.
 6 (5) The vehicle identification number of the vehicle, to the extent
 7 practicable.
 8 (6) The amount of consideration given for the vehicle.
 9 (7) A written statement signed by the seller or the seller's agent
 10 certifying the following:
 11 (A) The seller or the seller's agent has the lawful right to sell
 12 and dispose of the vehicle.
 13 (B) The vehicle is not subject to a security interest or lien.
 14 (C) The vehicle will not be titled again and will be dismantled
 15 or destroyed.
 16 (8) The name, date of birth, and address of the person from whom
 17 the vehicle is being purchased.
 18 (9) A photocopy or electronic scan of one (1) of the following
 19 valid and unexpired forms of identification issued to the seller or
 20 the seller's agent:
 21 (A) A driver's license.
 22 (B) An identification card issued under IC 9-24-16-1, a photo
 23 exempt identification card issued under IC 9-24-16.5, or a
 24 similar card issued under the laws of another state or the
 25 federal government.
 26 (C) A government issued document bearing an image of the
 27 seller or seller's agent, as applicable.
 28 For purposes of complying with this subdivision, an automotive
 29 salvage recycler is not required to make a separate copy of the
 30 seller's or seller's agent's identification for each purchase
 31 transaction involving the seller or seller's agent but may instead
 32 refer to a copy maintained in reference to a particular purchase
 33 transaction.
 34 (10) The license plate number, make, model, and color of the
 35 vehicle that is used to deliver the purchased vehicle to the
 36 automotive salvage recycler.
 37 (11) The signature of the person receiving consideration from the
 38 seller or the seller's agent.
 39 (12) A photographic or videographic image, taken when the
 40 vehicle is purchased, of the following:
 41 (A) A frontal view of the facial features of the seller or the
 42 seller's agent.



1 (B) The vehicle that is the subject of the purchase transaction:

2 (c) An automotive salvage recycler may not complete a purchase
3 transaction in the absence of the information required under subsection
4 (b)(9):

5 (d) An automotive salvage recycler or an agent of an automotive
6 salvage recycler that knowingly or intentionally buys a vehicle that is
7 less than fifteen (15) model years old without a certificate of title or
8 certificate of authority for the vehicle commits a Level 6 felony.

9 SECTION 26. IC 9-31-3-6, AS AMENDED BY P.L.174-2016,
10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2017]: Sec. 6. (a) The secretary of state ~~shall furnish~~ **may**
12 **issue** temporary license plates ~~and registration cards~~ to a **registered**
13 **licensed** dealer upon request.

14 (b) A temporary license plate ~~or card~~ described in subsection (a)
15 must display the following information:

16 (1) The dealer's license number.

17 (2) The date of expiration, plainly stamped or stenciled on the
18 temporary license plate. ~~or card.~~

19 (c) A temporary license plate ~~or card~~ may not be used or displayed
20 unless the plate ~~or card~~ is furnished by the secretary of state.

21 (d) A dealer that authorizes the use of a temporary license plate ~~or~~
22 ~~card~~ under this section does not assume responsibility or incur liability
23 for injury to a person or property during the period the temporary
24 license plate ~~or card~~ is in effect.

25 SECTION 27. IC 9-31-3-19, AS AMENDED BY P.L.174-2016,
26 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2017]: Sec. 19. (a) A dealer licensed by the secretary of state
28 under IC 9-32-8-2 may, upon application to the secretary of state,
29 obtain a dealer plate **and registration card** for use in the testing or
30 demonstrating of motorboats. ~~A Two (2) dealer plate plates~~ must be
31 displayed within a motorboat that is being tested or demonstrated while
32 the motorboat is being tested or demonstrated.

33 **(b) A transfer dealer or automobile auction licensed under**
34 **IC 9-32 may request dealer plates under subsection (a).**

35 ~~(b)~~ (c) The fee to obtain a dealer plate **and registration card** under
36 subsection (a) is ten dollars (\$10). The secretary of state may retain the
37 fee.

38 SECTION 28. IC 9-31-3-30 IS ADDED TO THE INDIANA CODE
39 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2017]: **Sec. 30. A dealer that knowingly or intentionally:**

41 **(1) issues an altered temporary license plate or a temporary**
42 **license plate with false or fictitious information;**



1 **(2) alters a dealer license plate or uses a dealer license plate**
 2 **that is false or fictitious; or**
 3 **(3) creates, issues, displays, or uses a temporary license plate**
 4 **or a reproduction of a temporary license plate not issued by**
 5 **the secretary;**
 6 **commits a Class A infraction.**

7 SECTION 29. IC 9-31-3-31 IS ADDED TO THE INDIANA CODE
 8 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2017]: **Sec. 31. (a) A person that knowingly or intentionally**
 10 **operates a watercraft displaying:**

11 **(1) a temporary license plate issued under section 6 of this**
 12 **chapter that is altered or reproduced; or**
 13 **(2) a license plate that purports to be a temporary license**
 14 **plate issued under section 6 of this chapter;**
 15 **commits a Class C misdemeanor.**

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

19 SECTION 30. IC 9-32-2-4, AS AMENDED BY P.L.174-2016,
 20 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2017]: **Sec. 4. "Automobile auction" means a person that, as**
 22 ~~part of the person's~~ **whose primary business arranges, manages,**
 23 ~~sponsors, advertises, hosts, carries~~ **consists of arranging, managing,**
 24 ~~facilitates~~ **sponsoring, advertising, hosting, carrying** out, or otherwise
 25 **facilitates** the auction of more than three (3) motor vehicles
 26 **or watercraft** on the basis of bids by persons acting for themselves or
 27 others, within a twelve (12) month period. The term includes a place of
 28 business or facilities provided by an auctioneer as part of the business
 29 of the auctioneer for the purchase and sale of motor vehicles **or**
 30 **watercraft** on the basis of bids by persons acting for themselves or
 31 others. The term does not include a person acting only as an auctioneer
 32 under IC 25-6.1-1.

33 SECTION 31. IC 9-32-2-6, AS AMENDED BY P.L.174-2016,
 34 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2017]: **Sec. 6. (a) "Broker" means a person that, for a fee, a**
 36 **commission, or other valuable consideration, arranges or offers to**
 37 **arrange a transaction involving the sale, for purposes other than resale,**
 38 **of a new or used motor vehicle and who is not,**

39 ~~(1) a dealer or an employee of a dealer;~~
 40 ~~(2) a distributor or an employee of a distributor; or~~
 41 ~~(3) at any point in the transaction, the bona fide owner of the~~
 42 **motor vehicle involved in the transaction.**



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(b) The term does not include:

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

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

SECTION 32. IC 9-32-2-9.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 9.7. "Dealer manager" means an individual who works at the established place of business of a dealer and who is responsible for and is in charge of the day to day operations, including the management, direction, and control of the dealership.**

SECTION 33. IC 9-32-2-9.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 9.9. "Dealer owner" means the following:**

(1) For a licensed or applicant dealer, other than a manufacturer, that is a corporation, each officer, director, and shareholder having a ten percent (10%) or greater ownership interest in the corporation.

(2) If no officer, director, or shareholder has a ten percent (10%) or greater ownership interest in the corporation, one

(1) or more officers, directors, or shareholders designated in writing by the board of directors.

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

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

(5) If the licensed or applicant dealer, other than a manufacturer, is a limited liability company, each member of the company.

(6) For a licensed or applicant manufacturer, one (1) or more officers, directors, or shareholders designated in writing by the manufacturer.

SECTION 34. IC 9-32-2-18.7, AS ADDED BY P.L.174-2016, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 18.7. (a) "Personal information" means information that identifies a ~~person~~, an individual, including an**



- 1 individual's:
- 2 (1) digital photograph or image;
- 3 (2) Social Security number;
- 4 (3) driver's license or identification document number;
- 5 (4) name;
- 6 (5) address;
- 7 (6) telephone number; or
- 8 (7) medical or disability information.
- 9 **(b) The term "Personal information" does not include: the name**
- 10 **of an owner, an officer, or a partner of a dealer; or the name, address;**
- 11 **or telephone number of a business or of a dealer's established place of**
- 12 **business:**
- 13 **(1) the name of a dealer owner;**
- 14 **(2) the name of a representative of a:**
- 15 **(A) manufacturer; or**
- 16 **(B) distributor;**
- 17 **(3) the name of the zoning official who signed a dealer license**
- 18 **application or zoning affidavit related to a dealer license**
- 19 **application;**
- 20 **(4) the name of the lessor of a dealer's established place of**
- 21 **business;**
- 22 **(5) the name of a dealer's registered agent; or**
- 23 **(6) the name, address, or telephone number of the established**
- 24 **place of business of a:**
- 25 **(A) business; or**
- 26 **(B) dealer.**
- 27 SECTION 35. IC 9-32-2-25, AS AMENDED BY P.L.174-2016,
- 28 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 29 JULY 1, 2017]: Sec. 25. **(a) "Transfer dealer" means a person other**
- 30 **than a manufacturer, distributor, converter manufacturer, new motor**
- 31 **vehicle dealer, used motor vehicle dealer, automotive salvage recycler,**
- 32 **watercraft dealer, automotive mobility dealer, or automobile auction**
- 33 **that has the necessity of transferring transfers ownership of at least**
- 34 **twelve (12) motor vehicles during a twelve (12) month period as part**
- 35 **of the transfer dealer's person's primary business. function:**
- 36 **(b) "Transfer dealer" does not include:**
- 37 **(1) a manufacturer;**
- 38 **(2) a distributor;**
- 39 **(3) a converter manufacturer;**
- 40 **(4) a watercraft dealer;**
- 41 **(5) an automotive mobility dealer;**
- 42 **(6) an automotive auction;**



1 **(7) a person engaged in the business of:**
 2 **(A) storing vehicles;**
 3 **(B) furnishing supplies for vehicles;**
 4 **(C) providing towing services for vehicles; or**
 5 **(D) repairing vehicles; or**
 6 **(8) a person whose primary business is selling motor vehicles.**
 7 SECTION 36. IC 9-32-3-4, AS ADDED BY P.L.174-2016,
 8 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2017]: Sec. 4. (a) The secretary may accept payment of a
 10 correct fee by:
 11 **(1) credit card;**
 12 **(2) debit card;**
 13 **(3) charge card;**
 14 **(4) guaranteed electronic check; or**
 15 **(5) a similar method. However;**
 16 **(b) If the fee is paid by credit card, debit card, charge card, or**
 17 **similar method, using a method of payment set forth in subsection**
 18 **(a), the legal obligation is not finally discharged until the secretary**
 19 **receives payment or credit from the institution responsible for making**
 20 **the payment or credit.**
 21 **(c) The secretary may contract with a bank or credit card vendor for**
 22 **acceptance of bank or credit cards, or guaranteed electronic checks.**
 23 **(d) However, If there is a vendor transaction charge or discount fee,**
 24 **whether billed to the secretary or charged directly to the secretary's**
 25 **account, the secretary or the credit card vendor may collect a fee from**
 26 **the person using the bank or credit card, a fee that may not exceed the**
 27 **highest transaction charge or discount fee charged to the secretary by**
 28 **the bank or credit card vendor during the most recent collection period:**
 29 **a method of payment set forth in subsection (a). This fee may not**
 30 **exceed the vendor transaction charge or discount fee. This fee may**
 31 **be collected regardless of any agreement between the bank and a credit**
 32 **card vendor or regardless of any internal policy of the credit card**
 33 **vendor that may prohibit this type of fee.**
 34 **(b) (e) A signature on a document that is electronically transmitted**
 35 **is sufficient if the person transmitting the document:**
 36 **(1) intends to submit the document as evidenced by a symbol**
 37 **executed or adopted by a party with present intention to**
 38 **authenticate the filing; and**
 39 **(2) enters the submitting party's name on the electronic form in a**
 40 **signature box or other place indicated by the secretary.**
 41 SECTION 37. IC 9-32-4-1, AS AMENDED BY P.L.174-2016,
 42 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2017]: Sec. 1. (a) If a motor vehicle **or watercraft** for which
 2 a certificate of title has been issued is sold or if the ownership of the
 3 motor vehicle **or watercraft** is transferred in any manner other than by
 4 a transfer on death conveyance under IC 9-17-3-9, in addition to
 5 complying with IC 9-17-3-3.4, the person that holds the certificate of
 6 title must do the following:

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

10 (2) Deliver the certificate of title to the purchaser or transferee
 11 within thirty-one (31) days after the date of sale or transfer to the
 12 purchaser or transferee of the motor vehicle **or watercraft**, if all
 13 the following conditions exist:

14 (A) The seller or transferor is a dealer licensed by the state
 15 under this article.

16 (B) The dealer is not able to deliver the certificate of title at
 17 the time of sale or transfer.

18 (C) The dealer provides the purchaser or transferee with an
 19 affidavit under section 2 of this chapter.

20 (D) The purchaser or transferee has made all agreed upon
 21 initial payments for the motor vehicle **or watercraft**,
 22 including delivery of a trade-in motor vehicle **or watercraft**
 23 without hidden or undisclosed statutory liens.

24 (3) Keep proof of delivery of the certificate of title with the dealer
 25 records.

26 (b) A dealer may offer for sale a motor vehicle **or watercraft** for
 27 which the dealer does not possess a certificate of title, if the dealer can
 28 comply with subsection (a)(1) or (a)(2) at the time of the sale.

29 (c) A dealer that fails to deliver the certificate of title within the time
 30 specified under subsection (a) is subject to the following civil
 31 penalties:

32 (1) One hundred dollars (\$100) for the first violation in a calendar
 33 year.

34 (2) Two hundred fifty dollars (\$250) for the second violation in a
 35 calendar year.

36 (3) Five hundred dollars (\$500) for all subsequent violations in a
 37 calendar year.

38 Payment shall be made to the secretary and deposited in the dealer
 39 enforcement account established under IC 9-32-7-2.

40 (d) If a purchaser or transferee does not receive a valid certificate of
 41 title within the time specified by this section, the purchaser or
 42 transferee has the right to return the motor vehicle **or watercraft** to the



1 dealer ten (10) days after giving the dealer written notice demanding
 2 delivery of a valid certificate of title and the dealer's failure to deliver
 3 a valid certificate of title within that ten (10) day period. Upon return
 4 of the motor vehicle **or watercraft** to the dealer in the same or similar
 5 condition as delivered to the purchaser or transferee under this section,
 6 the dealer shall pay to the purchaser or transferee the purchase price
 7 plus sales taxes, finance expenses, insurance expenses, and any other
 8 amount paid to the dealer by the purchaser or transferee. The relief
 9 referenced in this subsection is relief for the purchaser or transferee
 10 only and does not preclude the ability of the division to collect civil
 11 penalties under subsection (c).

12 (e) For purposes of this subsection, "timely deliver", with respect to
 13 a third party, means to deliver to the purchaser or transferee with a
 14 postmark dated or hand delivered not more than ten (10) business days
 15 after there is no obligation secured by the motor vehicle **or watercraft**.
 16 If the dealer's inability to timely deliver a valid certificate of title results
 17 from the acts or omissions of a third party that has failed to timely
 18 deliver a valid certificate of title to the dealer, the dealer is entitled to
 19 claim against the third party one hundred dollars (\$100). If:

20 (1) the dealer's inability to timely deliver a valid certificate of title
 21 results from the acts or omissions of a third party that has failed
 22 to timely deliver the certificate of title in the third party's
 23 possession to the dealer; and

24 (2) the failure continues for ten (10) business days after the dealer
 25 gives the third party written notice of the failure;

26 the dealer is entitled to claim against the third party all damages
 27 sustained by the dealer in rescinding the dealer's sale with the
 28 purchaser or transferee, including the dealer's reasonable attorney's
 29 fees.

30 (f) If a motor vehicle **or watercraft** for which a certificate of title
 31 has been issued by another state is sold or delivered, the person selling
 32 or delivering the motor vehicle **or watercraft** shall deliver to the
 33 purchaser or receiver of the **motor vehicle or watercraft** a proper
 34 certificate of title with an assignment of the certificate of title in a form
 35 prescribed by the bureau.

36 (g) A dealer shall make payment to a third party to satisfy any
 37 obligation secured by the motor vehicle **or watercraft** within ten (10)
 38 days after the date of sale.

39 (h) Except as provided in subsection (i), a person that violates this
 40 section commits a Class C infraction.

41 (i) A person that knowingly or intentionally violates subsection
 42 (a)(1), (a)(2), or (d) commits a Class B misdemeanor.



1 (j) For purposes of this section, "deliver the certificate of title"
2 means to deliver the certificate of title to the purchaser or transferee by
3 postmark dated mail, certified mail with return receipt, or hand
4 delivery.

5 SECTION 38. IC 9-32-4-2, AS AMENDED BY P.L.174-2016,
6 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]: Sec. 2. The affidavit required by section 1(a)(2)(C) of
8 this chapter must be printed in the following form:

9 STATE OF INDIANA)
10) ss:
11 COUNTY OF _____)

12 I affirm under the penalties for perjury that all of the following are
13 true:

- 14 (1) That I am a dealer licensed under IC 9-32.
- 15 (2) That I cannot deliver a valid certificate of title to the retail
- 16 purchaser of the motor vehicle **or watercraft** described in
- 17 paragraph (3) at the time of sale of the motor vehicle **or**
- 18 **watercraft** to the retail purchaser. The identity of the previous
- 19 seller or transferor is _____. Payoff of lien was
- 20 made on (date) _____. I expect to deliver a valid and
- 21 transferable certificate of title not later than
- 22 (date) _____ from the State of (state) _____ to the
- 23 purchaser.
- 24 (3) That I will undertake reasonable commercial efforts to
- 25 produce the valid certificate of title. The vehicle identification
- 26 number **or hull identification number** is _____.

27 Signed _____, Dealer
28 By _____
29 Dated _____, _____

30 CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS
31 AFFIDAVIT.

32 _____
33 Customer Signature

34 NOTICE TO THE CUSTOMER
35 If you do not receive a valid certificate of title within thirty-one (31)
36 days after the date of sale, you have the right to return the motor
37 vehicle **or watercraft** to the dealer ten (10) days after giving the dealer
38 written notice demanding delivery of a valid certificate of title and after
39 the dealer's failure to deliver a valid certificate of title within that ten
40 (10) day period. Upon return of the motor vehicle **or watercraft** to the
41 dealer in the same or similar condition as when it was delivered to you,
42 the dealer shall pay you the purchase price plus sales taxes, finance



1 expenses, insurance expenses, and any other amount that you paid to
 2 the dealer. If a lien is present on the previous owner's certificate of title,
 3 it is the responsibility of the third party lienholder to timely deliver the
 4 certificate of title in the third party's possession to the dealer not more
 5 than ten (10) business days after there is no obligation secured by the
 6 motor vehicle **or watercraft**. If the dealer's inability to deliver a valid
 7 certificate of title to you within the above-described ten (10) day period
 8 results from the acts or omissions of a third party that has failed to
 9 timely deliver the certificate of title in the third party's possession to the
 10 dealer, the dealer may be entitled to claim against the third party the
 11 damages allowed by law.

12 SECTION 39. IC 9-32-5-2, AS AMENDED BY P.L.151-2015,
 13 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2017]: Sec. 2. A dealer may not sell or otherwise dispose of
 15 a new motor vehicle **or watercraft** to another person, to be used by the
 16 person for purposes of display or resale, without delivering to the
 17 person a manufacturer's certificate of origin under this chapter that
 18 indicates the assignments of the certificate of origin necessary to show
 19 the ownership of the title to a person who purchases the motor vehicle
 20 **or watercraft**.

21 SECTION 40. IC 9-32-5-3, AS ADDED BY P.L.92-2013,
 22 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2017]: Sec. 3. A person may not purchase or acquire a new
 24 motor vehicle **or watercraft** without obtaining a valid manufacturer's
 25 certificate of origin from the seller of the motor vehicle **or watercraft**.

26 SECTION 41. IC 9-32-5-5, AS AMENDED BY P.L.174-2016,
 27 SECTION 50, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2017]: Sec. 5. A dealer must have:

- 29 (1) a certificate of title;
- 30 (2) an assigned certificate of title;
- 31 (3) a manufacturer's certificate of origin;
- 32 (4) an assigned manufacturer's certificate of origin; or
- 33 (5) other proof of ownership or evidence of right of possession as
 34 determined by the secretary;

35 for a motor vehicle **or watercraft** in the dealer's possession.

36 SECTION 42. IC 9-32-5-9, AS AMENDED BY P.L.174-2016,
 37 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2017]: Sec. 9. (a) In order to obtain or maintain a dealer's
 39 license from the secretary, a person must agree to allow a police officer
 40 or an authorized representative of the secretary to inspect:

- 41 (1) certificates of origin, certificates of title, assignments of
 42 certificates of origin and certificates of title, or other proof of



1 ownership or evidence of right of possession as determined by the
2 secretary; and
3 (2) motor vehicles **or watercraft** that are held for resale by the
4 dealer;
5 in the dealer's established place of business during reasonable business
6 hours.
7 (b) A certificate of title, a certificate of origin, and any other proof
8 of ownership described under subsection (a):
9 (1) must be readily available for inspection by or delivery to the
10 proper persons; and
11 (2) may not be removed from Indiana.
12 SECTION 43. IC 9-32-6-6.5, AS AMENDED BY P.L.174-2016,
13 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2017]: Sec. 6.5. (a) This section applies to dealer license
15 plates issued after December 31, 2014.
16 (b) Except as provided in subsection (c), dealer license plates issued
17 to licensed dealers under this article are valid from the issue date
18 through the expiration date as follows:
19 (1) Dealer license plates of a person whose business name begins
20 with the letters A through B expire February 1 of each year.
21 (2) Dealer license plates of a person whose business name begins
22 with the letters C through D expire March 1 of each year.
23 (3) Dealer license plates of a person whose business name begins
24 with the letters E through F expire April 1 of each year.
25 (4) Dealer license plates of a person whose business name begins
26 with the letters G through H expire May 1 of each year.
27 (5) Dealer license plates of a person whose business name begins
28 with the letters I through J expire June 1 of each year.
29 (6) Dealer license plates of a person whose business name begins
30 with the letters K through L expire July 1 of each year.
31 (7) Dealer license plates of a person whose business name begins
32 with the letters M through N expire August 1 of each year.
33 (8) Dealer license plates of a person whose business name begins
34 with the letters O through P expire September 1 of each year.
35 (9) Dealer license plates of a person whose business name begins
36 with the letters Q through R expire October 1 of each year.
37 (10) Dealer license plates of a person whose business name
38 begins with the letters S through T expire November 1 of each
39 year.
40 (11) Dealer license plates of a person whose business name
41 begins with the letters U through V expire December 1 of each
42 year.



- 1 (12) Dealer license plates of a person whose business name
- 2 begins with the letters W through Z expire January 1 of each year.
- 3 (c) Dealer license plates issued to a person whose business name
- 4 begins with a nonalpha character expire November 1 of each year.
- 5 (d) A dealer designee license plate expires as follows:
- 6 (1) For a dealer designee license plate issued before July 1, 2017,
- 7 on the earlier of:
- 8 (A) the date designated by the dealer on the application related
- 9 to the license plate; or
- 10 (B) the date on which the dealer license issued to the same
- 11 person expires.
- 12 (2) For a dealer designee license plate issued after June 30, 2017,
- 13 on the same date each year as the date on which a dealer license
- 14 issued to the same person expires.
- 15 (e) Notwithstanding subsection (b), a dealer license plate issued in
- 16 2015 expires as follows:
- 17 Plate issued to a person
- 18 with a business name
- 19 beginning with: Plate expiration date:
- 20 A through B February 1, 2016
- 21 C through D March 1, 2016
- 22 E through F April 1, 2016
- 23 G through H May 1, 2016
- 24 I through J June 1, 2016
- 25 K through L July 1, 2016
- 26 M through N August 1, 2016
- 27 O through P September 1, 2016
- 28 Q through R October 1, 2016
- 29 S through T November 1, 2016
- 30 U through V December 1, 2016
- 31 W through Z January 1, 2017
- 32 This subsection expires January 2, 2017.
- 33 (f) (e) This subsection expires December 31, 2017. For a dealer
- 34 license plate issued in 2015, the dealer services division shall impose
- 35 a fee for the dealer license plate under IC 9-29-17 (before its repeal) in
- 36 the amount that bears the same proportion to the annual fee for the
- 37 dealer license plate as the number of months the dealer license plate is
- 38 valid bears to twelve (12).
- 39 (f) The fee to renew the license plates issued under IC 9-32-6-1
- 40 is as follows:
- 41 (1) For motorcycle dealer license plates, fifteen dollars (\$15).
- 42 (2) For dealer license plates not described in subdivision (1),



- 1 **forty dollars (\$40).**
- 2 **(g) Fees collected under subsection (f) shall be distributed as**
 3 **follows:**
- 4 **(1) Thirty percent (30%) to the dealer compliance account**
 5 **established by IC 9-32-7-1.**
- 6 **(2) Seventy percent (70%) to the motor vehicle highway**
 7 **account under IC 8-14-1.**
- 8 **(h) There is an additional service charge of five dollars (\$5) for**
 9 **the renewal of each set of license plates issued under IC 9-32-6-1.**
 10 **The service charge shall be deposited in the crossroads 2000 fund.**
- 11 **(i) The fee to renew each additional license plate issued under**
 12 **IC 9-32-6-5 is as follows:**
- 13 **(1) For an additional motorcycle dealer license plate, seven**
 14 **dollars and fifty cents (\$7.50).**
- 15 **(2) For an additional dealer license plate not described in**
 16 **subdivision (1), fifteen dollars (\$15).**
- 17 **(j) Fees collected under subsection (i) shall be distributed as**
 18 **follows:**
- 19 **(1) Thirty percent (30%) to the dealer compliance account**
 20 **established by IC 9-32-7-1.**
- 21 **(2) Seventy percent (70%) to the motor vehicle highway**
 22 **account under IC 8-14-1.**
- 23 **(k) There is an additional service charge for the renewal of each**
 24 **additional license plate issued under IC 9-32-6-5, as follows:**
- 25 **(1) For an additional motorcycle dealer license plate, two**
 26 **dollars and fifty cents (\$2.50).**
- 27 **(2) For an additional dealer license plate not described in**
 28 **subdivision (1), five dollars (\$5).**
- 29 **(l) The service charge under subsection (k) shall be deposited in**
 30 **the crossroads 2000 fund.**
- 31 **(m) The fee to renew a license plate issued under IC 9-32-6-2(b)**
 32 **is forty dollars (\$40). The fee shall be deposited in the dealer**
 33 **compliance account established by IC 9-32-7-1.**
- 34 **(n) The fees collected under subsection (o) shall be distributed**
 35 **as follows:**
- 36 **(1) Forty percent (40%) to the crossroads 2000 account.**
- 37 **(2) Forty-nine percent (49%) to the dealer compliance**
 38 **account established by IC 9-32-7-1.**
- 39 **(3) Eleven percent (11%) to the motor vehicle highway**
 40 **account under IC 8-14-1.**
- 41 **(o) The fee to renew a dealer designee license plate issued under**
 42 **IC 9-32-6.5-1 is twenty-one dollars and thirty-five cents (\$21.35).**



1 SECTION 44. IC 9-32-6-16, AS ADDED BY P.L.174-2016,
 2 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2017]: Sec. 16. (a) Except as provided in subsection (b), if a
 4 dealer license plate **or registration card** issued under this chapter or
 5 IC 9-31-3-19 is lost, stolen, or destroyed, the dealer may apply for a
 6 replacement dealer license plate **or registration card** in the form and
 7 manner prescribed by the secretary.

8 (b) If a dealer license plate **or registration card** is lost or stolen, the
 9 secretary may not issue a replacement dealer license plate **or**
 10 **registration card** until the dealer to whom the dealer license plate **or**
 11 **registration card** was issued:

12 (1) has notified:

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

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

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

20 SECTION 45. IC 9-32-6-17 IS ADDED TO THE INDIANA CODE
 21 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2017]: Sec. 17. (a) **If the secretary is not able to comply with the**
 23 **provisions of this article relating to furnishing dealer license plates,**
 24 **interim license plates, or temporary license plates because of a**
 25 **materials shortage or any other reason that makes the secretary**
 26 **unable to provide the license plates, the secretary may issue an**
 27 **alternate license plate to a dealer licensed under this article.**

28 (b) **The secretary may adopt rules under IC 4-22-2 to provide**
 29 **the type and number of alternate plates that will be furnished,**
 30 **qualifications for requesting the plates, limitations on the use of the**
 31 **plates, and the manner in which the plates must be displayed.**

32 (c) **Compliance with a rule adopted under this section satisfies**
 33 **the provisions of this chapter relating to the display of license**
 34 **plates.**

35 SECTION 46. IC 9-32-6.5-1, AS ADDED BY P.L.174-2016,
 36 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2017]: Sec. 1. (a) This section applies after June 30, 2017.

38 (b) The secretary may design and issue a dealer designee license
 39 plate for use without restriction by the secretary or a designee of a
 40 dealer.

41 (c) A dealer that assigns a dealer designee license plate **and**
 42 **registration card** to a person shall report to the secretary on a form



1 issued by the secretary the date of assignment, the person's name and
 2 address, the date of termination of the assignment, and any other
 3 information the secretary requires. A copy of the form must be kept at
 4 all times in the vehicle displaying the dealer designee license plate.

5 (d) The fee for a dealer designee license plate **and registration**
 6 **card** is twenty-one dollars and thirty-five cents (\$21.35). The fee shall
 7 be distributed as follows:

8 (1) Forty percent (40%) to the crossroads 2000 fund established
 9 by IC 8-14-10-9.

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

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

14 SECTION 47. IC 9-32-6.5-3 IS REPEALED [EFFECTIVE JULY
 15 1, 2017]. Sec. 3: (a) An interim manufacturer transporter license plate
 16 shall be developed and issued as follows:

17 (1) Before July 1, 2017, by the bureau.

18 (2) After June 30, 2017, by the secretary.

19 (b) The fee for an interim manufacturer transporter license plate
 20 issued after June 30, 2017, is three dollars (\$3). The fee shall be
 21 distributed as follows:

22 (1) Forty percent (40%) to the crossroads 2000 fund established
 23 by IC 8-14-10-9.

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

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

28 SECTION 48. IC 9-32-6.5-4 IS REPEALED [EFFECTIVE JULY
 29 1, 2017]. Sec. 4: (a) An interim manufacturer transporter license plate
 30 may be issued only to a manufacturer of semitrailers or trailers that is
 31 licensed as a manufacturer under IC 9-32. The license plate may be
 32 used only in connection with delivery of newly manufactured
 33 semitrailers or trailers:

34 (b) A person that knowingly or intentionally uses an interim
 35 manufacturer transporter license plate for a purpose other than the
 36 delivery of a newly manufactured semitrailer or trailer commits a Class
 37 B misdemeanor.

38 SECTION 49. IC 9-32-6.5-5 IS REPEALED [EFFECTIVE JULY
 39 1, 2017]. Sec. 5: (a) An interim manufacturer transporter license plate
 40 shall be displayed on a vehicle in the manner determined by the bureau
 41 or the secretary, as applicable. Interim manufacturer transporter license
 42 plates may be issued in bulk. An interim manufacturer transporter



1 license plate must display the assigned manufacturer's registration
2 number:

3 (b) A person that knowingly or intentionally fails to display:

4 (1) an interim manufacturer transporter license plate; or

5 (2) the assigned manufacturer's registration number and
6 expiration date on an interim manufacturer transporter license
7 plate;

8 under subsection (a) commits a Class B infraction:

9 SECTION 50. IC 9-32-6.5-6 IS REPEALED [EFFECTIVE JULY
10 1, 2017]. Sec. 6: (a) A manufacturer shall affix the proper vehicle
11 identification number and date when an interim manufacturer
12 transporter license plate is assigned to a specific vehicle. A license
13 plate remains valid for thirty-one (31) days from the date the plate is
14 affixed to the semitrailer or trailer and may not be renewed. Only one
15 (1) interim manufacturer transporter license plate may be issued for a
16 newly manufactured trailer or semitrailer.

17 (b) A person that knowingly or intentionally:

18 (1) displays an interim manufacturer transporter license plate past
19 its date of expiration; or

20 (2) uses an interim manufacturer transporter license plate for
21 more than one (1) newly manufactured trailer or semitrailer;

22 commits a Class B infraction:

23 SECTION 51. IC 9-32-6.5-7 IS REPEALED [EFFECTIVE JULY
24 1, 2017]. Sec. 7: (a) An interim manufacturer transporter license plate
25 may be used only when:

26 (1) a manufacturer is delivering a semitrailer or trailer to a:

27 (A) purchaser;

28 (B) person that will offer the motor vehicle for sale; or

29 (C) motor carrier (as defined in IC 8-2.1-17-10);

30 (2) a purchaser or dealer accepts the motor vehicle at the
31 manufacturer's facility; or

32 (3) a motor carrier delivers the semitrailer or trailer from the
33 manufacturer to either the purchaser, a seller; or to another motor
34 carrier that will make the delivery:

35 (b) A person that knowingly or intentionally uses an interim
36 manufacturer transporter license plate for a purpose not specified in
37 subsection (a) commits a Class B infraction:

38 SECTION 52. IC 9-32-6.5-9 IS REPEALED [EFFECTIVE JULY
39 1, 2017]. Sec. 9: A newly manufactured semitrailer or trailer displaying
40 an interim manufacturer transporter license plate may transport
41 property. Property being transported may be unrelated to the delivery
42 of the semitrailer or trailer:



1 SECTION 53. IC 9-32-6.5-10 IS REPEALED [EFFECTIVE JULY
2 1, 2017]. ~~Sec. 10: A manufacturer may use either the license plate~~
3 ~~issued under this chapter or IC 9-18-27 (before its repeal) or a permit~~
4 ~~issued under IC 9-18-7 (before its expiration) or IC 9-18-1-2.~~

5 SECTION 54. IC 9-32-6.5-12 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2017]: **Sec. 12. (a) Except as provided in**
8 **subsection (b), if a dealer designee license plate or registration card**
9 **issued under this chapter is lost, stolen, or destroyed, the dealer**
10 **may apply for a replacement dealer designee license plate or**
11 **registration card in the form and manner prescribed by the**
12 **secretary.**

13 **(b) If a dealer designee license plate or registration card is lost**
14 **or stolen, the dealer to whom the dealer designee license plate or**
15 **registration card was issued shall:**

- 16 **(1) notify the law enforcement agency that has jurisdiction**
17 **where the loss or theft occurred; and**
18 **(2) present to the secretary on a form prescribed by the**
19 **secretary a report completed by the law enforcement agency**
20 **that was notified under subdivision (1).**

21 SECTION 55. IC 9-32-7-1, AS AMENDED BY P.L.174-2016,
22 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2017]: **Sec. 1. (a) The dealer compliance account is**
24 **established as a separate account to be administered by the secretary.**
25 **The funds in the account must be available, with the approval of the**
26 **budget agency, for use in enforcing and administering this article.**

27 **(b) The expenses of administering this article shall be paid from**
28 **money in the account.**

29 **(c) The treasurer of state shall invest the money in the dealer**
30 **compliance account not currently needed to meet the obligations of the**
31 **account in the same manner as other public money may be invested.**
32 **Interest that accrues from these investments shall be deposited in the**
33 **account.**

34 **(d) The dealer compliance account consists of the following:**

- 35 **(1) Money deposited under:**
36 **(A) IC 9-32-6; and**
37 **(B) IC 9-32-6.5; and**
38 **(C) section 3(1) of this chapter.**
39 **(2) Appropriations to the account from other sources.**
40 **(3) Grants, gifts, donations, or transfers intended for deposit in the**
41 **account.**
42 **(4) Interest that accrues from money in the account.**



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

3 (f) Money in the dealer compliance account is continuously
4 appropriated to the secretary for the purposes of the account.

5 SECTION 56. IC 9-32-7-3, AS AMENDED BY P.L.174-2016,
6 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]: Sec. 3. All money collected by the secretary from
8 manufacturers, distributors, dealers, automobile auctions, manufacturer
9 representatives, distributor representatives, transfer dealers, converter
10 manufacturers, or automotive mobility dealers for licenses,
11 **endorsements**, and permit fees under IC 9-32-11 shall be deposited as
12 follows:

13 (1) Thirty percent (30%) to the dealer compliance account
14 established by section 1 of this chapter.

15 (2) Forty percent (40%) to the motor vehicle highway account
16 under IC 8-14-1.

17 (3) Twenty percent (20%) to the state police department, and this
18 amount is continuously appropriated to the department for its use
19 in enforcing odometer laws.

20 (4) Ten percent (10%) to the attorney general, and this amount is
21 continuously appropriated to the attorney general for use in
22 enforcing odometer laws.

23 SECTION 57. IC 9-32-8-3, AS AMENDED BY P.L.174-2016,
24 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2017]: Sec. 3. (a) An application for a watercraft dealer
26 license must: ~~meet all the following conditions:~~

27 (1) be accompanied by a nonrefundable fee of thirty dollars (\$30);
28 ~~The secretary shall retain a fee collected under this subdivision:~~

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

30 **(3) be completed by a dealer owner or dealer manager; and**

31 ~~(4)~~ **(4)** contain any information that the secretary reasonably
32 needs to enable the secretary to determine fully the:

33 (A) qualifications and eligibility of the applicant to receive the
34 license;

35 (B) location of each of the applicant's places of business in
36 Indiana; and

37 (C) ability of the applicant to conduct properly the business for
38 which the application is submitted.

39 (b) An application for a license as a watercraft dealer must show
40 whether the applicant proposes to sell new or used watercraft or both
41 new and used watercraft.

42 **(c) The secretary shall retain the fee collected under this section.**



1 SECTION 58. IC 9-32-8-4 IS REPEALED [EFFECTIVE JULY 1,
2 2017]. Sec. 4: A license issued to a watercraft dealer must specify the
3 location of the established place of business and shall be conspicuously
4 displayed at the established place of business. If a business name or
5 location is changed, the licensee shall notify the secretary within ten
6 (10) days and remit a fee of five dollars (\$5). The secretary shall retain
7 a fee collected under this subsection. The secretary shall endorse the
8 change on the watercraft dealer license if the secretary determines that
9 the change is not subject to other provisions of this chapter.

10 SECTION 59. IC 9-32-8-5, AS AMENDED BY P.L.174-2016,
11 SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2017]: Sec. 5. (a) A watercraft dealer license issued under this
13 chapter shall be issued and expires based on the business name of the
14 watercraft dealer as set forth in IC 9-32-11-12.5.

15 (b) If a watercraft dealer license is lost or destroyed, the watercraft
16 dealer ~~may~~ **must** apply for a replacement watercraft dealer license in
17 the form and manner prescribed by the secretary.

18 SECTION 60. IC 9-32-9-3, AS AMENDED BY P.L.174-2016,
19 SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2017]: Sec. 3. (a) To apply for a license under this chapter, an
21 automotive salvage recycler must submit an application to the
22 secretary. An application for a license under this chapter must:

- 23 (1) be on a form prescribed by the secretary;
24 **(2) be completed by a dealer owner or dealer manager;**
25 ~~(2)~~ **(3)** contain the information the secretary considers necessary
26 to enable the secretary to determine fully:
27 (A) the qualifications and eligibility of the applicant to receive
28 the license; and
29 (B) the ability of the applicant to properly conduct the
30 business for which the application is submitted; and
31 ~~(3)~~ **(4)** be accompanied by the following:
32 (A) Evidence of a bond required under IC 9-32-11-2.
33 (B) Payment of the fee under subsection (c).
34 (C) An affidavit from:
35 (i) the person charged with enforcing a zoning ordinance, if
36 the person exists; or
37 (ii) the zoning enforcement officer under IC 36-7-4, if a
38 zoning enforcement officer exists;
39 who has jurisdiction over the real property where the applicant
40 wants to operate as an automotive salvage recycler.

41 If there is no person or officer that has jurisdiction over the real
42 property as described in subdivision ~~(3)(C)~~; **(4)(C)**, the application



1 must be accompanied by a statement to that effect from the executive
 2 of the unit in which the real property is located. The affidavit must state
 3 that the proposed location is zoned for the operation of an
 4 establishment of an automotive salvage recycler. The applicant may file
 5 the affidavit at any time after the filing of the application. However, the
 6 secretary may not issue a license until the applicant files the affidavit
 7 or the statement.

8 (b) If an automotive salvage recycler license is lost or destroyed, the
 9 automotive salvage recycler ~~may~~ **shall** apply for a replacement
 10 automotive salvage recycler license in the form and manner prescribed
 11 by the secretary.

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

15 SECTION 61. IC 9-32-9-12 IS ADDED TO THE INDIANA CODE
 16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2017]: **Sec. 12. (a) A dealer licensed under this article may
 18 reassign a certificate of salvage title one (1) time without applying
 19 to the bureau for the issuance of a new certificate of salvage title.**

20 **(b) A dealer that violates this section commits a Class A
 21 infraction.**

22 SECTION 62. IC 9-32-9-13 IS ADDED TO THE INDIANA CODE
 23 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2017]: **Sec. 13. (a) A dealer licensed under this article shall
 25 secure an affidavit from the person that holds the certificate of title
 26 on the date of receiving a title by sale or transfer. The affidavit
 27 must state whether the vehicle is a flood damaged vehicle.**

28 **(b) The dealer shall file the affidavit secured under subsection
 29 (a) with the bureau upon receiving the affidavit and shall retain a
 30 copy of the affidavit with the records of the dealer.**

31 **(c) Submission of a fraudulent affidavit under subsection (a)
 32 subjects the affiant to civil liability for all damages incurred by a
 33 dealer, subsequent purchaser, or transferee of the title, including
 34 reasonable attorney's fees and court costs (including fees).**

35 **(d) A dealer that knowingly or intentionally fails to comply with
 36 subsection (a) or (b) commits a Class B misdemeanor.**

37 **(e) A person that knowingly or intentionally submits a
 38 fraudulent affidavit under subsection (a) commits a Class A
 39 infraction.**

40 SECTION 63. IC 9-32-9-14 IS ADDED TO THE INDIANA CODE
 41 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 42 1, 2017]: **Sec. 14. (a) A scrap metal processor or other appropriate**



1 facility that purchases or acquires a salvage motor vehicle that has
 2 been totally demolished or destroyed as a result of normal
 3 processing performed by a recycling facility is not required to
 4 apply for and receive a certificate of salvage title for the vehicle.

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

9 SECTION 64. IC 9-32-9-15 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2017]: Sec. 15. (a) The secretary shall prescribe recordkeeping
 12 forms to be used by an automotive salvage recycler licensed under
 13 this article to preserve information about salvage vehicles or major
 14 component parts acquired or sold by the business.

15 (b) The recordkeeping forms required under subsection (a) must
 16 contain the following information:

17 (1) For each new or used vehicle acquired or disposed of or
 18 for the major component parts of a new or used vehicle, the
 19 following:

20 (A) A description of the vehicle or major component part,
 21 including numbers or other marks identifying the vehicle
 22 or major component part.

23 (B) The date the vehicle or major component part was
 24 acquired and disposed of.

25 (C) The name and address of the person from whom the
 26 vehicle or major component part was acquired.

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

31 (2) For vehicles acquired or disposed of, in addition to the
 32 information required by subdivision (1), the following:

33 (A) The vehicle's trade name.

34 (B) The vehicle's manufacturer.

35 (C) The vehicle's type.

36 (D) The model year and vehicle identification number.

37 (E) A statement of whether any number has been defaced,
 38 destroyed, or changed.

39 (3) For wrecked, dismantled, or rebuilt vehicles, the date the
 40 vehicle was dismantled or rebuilt.

41 (c) Separate records for each vehicle or major component part
 42 must be maintained.



1 **(d) The recordkeeping requirements of this section do not apply**
 2 **to hulk crushers or to scrap metal processors when purchasing**
 3 **scrap from a person that is licensed under this article and that is**
 4 **required to keep records under this section.**

5 **(e) An automotive salvage recycler licensed under this article**
 6 **that knowingly or intentionally fails to:**

7 **(1) maintain records regarding salvage vehicles or major**
 8 **component parts acquired or sold by the business; or**

9 **(2) maintain records regarding salvage vehicles or major**
 10 **component parts on forms that comply with subsection (b);**
 11 **commits a Class A infraction.**

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

17 SECTION 65. IC 9-32-9-16 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2017]: **Sec. 16. (a) Unless otherwise specified or required, the**
 20 **records required under section 15 of this chapter shall be retained**
 21 **for five (5) years after the date the vehicle or major component**
 22 **part was acquired, in the form prescribed by the secretary. The**
 23 **records must be maintained at the established place of business for**
 24 **two (2) years. Following the two (2) year period, records may be**
 25 **moved offsite, but must be maintained for five (5) years.**

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

29 SECTION 66. IC 9-32-9-17 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2017]: **Sec. 17. (a) The records required under section 15 of this**
 32 **chapter must be available to, and produced at the request of, a**
 33 **police officer or an authorized agent of the secretary of state under**
 34 **this chapter.**

35 **(b) An automotive salvage recycler that fails to make available**
 36 **or produce the records described under section 15 of this chapter**
 37 **for a police officer or an authorized agent of the secretary of state**
 38 **commits a Class A infraction.**

39 SECTION 67. IC 9-32-9-18 IS ADDED TO THE INDIANA CODE
 40 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 41 1, 2017]: **Sec. 18. (a) This section applies to vehicles and their**
 42 **component parts that are in either their current model year or in**



1 the immediately preceding six (6) model years when purchased by
2 a recycling facility or automotive salvage rebuilder.

3 (b) A recycling facility and automotive salvage rebuilder
4 licensed under this chapter shall comply with the recordkeeping
5 requirements under section 15 of this chapter for the purchase of
6 a salvage motor vehicle or major component part.

7 (c) A recycling facility or automotive salvage rebuilder that fails
8 to comply with subsection (a) or (b) commits a Class A infraction.

9 SECTION 68. IC 9-32-9-19 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2017]: Sec. 19. (a) A record required to be maintained under this
12 chapter is subject to inspection by a police officer during normal
13 business hours. In addition to the inspections authorized under
14 section 20 of this chapter, an inspection under this section may
15 include an examination of the premises of the licensee's established
16 place of business for the purpose of determining the accuracy of
17 the required records.

18 (b) A recycling facility, automotive salvage rebuilder, or used
19 parts dealer that knowingly or intentionally fails to:

20 (1) maintain records as required under this chapter; or

21 (2) allow an inspection of a licensee's established place of
22 business for the purpose of determining the accuracy of
23 required records;

24 commits a Class A infraction.

25 SECTION 69. IC 9-32-9-20 IS ADDED TO THE INDIANA CODE
26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
27 1, 2017]: Sec. 20. (a) The secretary of state, a police officer, or an
28 agent of the secretary of state or a police officer may enter upon
29 the premises of an automotive salvage recycler during normal
30 business hours to inspect a vehicle, major component part, records,
31 certificate of title, and other ownership documents to determine
32 compliance with this chapter.

33 (b) A person that knowingly or intentionally prevents the
34 secretary of state, a police officer, or agent of the secretary of state
35 from inspecting a vehicle, a major component part, a record, a
36 certificate of title, or another ownership document during normal
37 business hours commits a Class A infraction.

38 SECTION 70. IC 9-32-9-21 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2017]: Sec. 21. In the absence of fraud or bad faith, a person who
41 releases or provides evidence or information under this chapter to
42 any of the following is immune from civil or criminal liability for



1 providing that evidence or information:

- 2 (1) The superintendent of the state police or the
3 superintendent's designee.
4 (2) The attorney general or the attorney general's designee.
5 (3) The city police chief or the city police chief's designee.
6 (4) The county sheriff or the county sheriff's designee.
7 (5) The prosecuting attorney or the prosecuting attorney's
8 designee.

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

16 SECTION 72. IC 9-32-9-23 IS ADDED TO THE INDIANA CODE
17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
18 1, 2017]: **Sec. 23. A warrant issued under section 22 of this chapter
19 shall be directed to a police officer who has the power of criminal
20 process. The person to whom the warrant was issued shall serve
21 the warrant and make the return not later than twenty (20) days
22 after the date of issue.**

23 SECTION 73. IC 9-32-9-24 IS ADDED TO THE INDIANA CODE
24 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
25 1, 2017]: **Sec. 24. The law enforcement officer who serves a
26 warrant issued under section 22 of this chapter shall seize any
27 article described in the warrant and any other article the police
28 officer finds during the search that is held in violation of this
29 chapter. The law enforcement officer shall hold the articles
30 pending the disposition ordered by the court in which a
31 prosecution may be instituted for a violation of this chapter.**

32 SECTION 74. IC 9-32-9-25 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2017]: **Sec. 25. A major component part seized under this
35 chapter and any other article found on the searched premises and
36 taken under a warrant issued under section 22 of this chapter may
37 not be taken from the custody of the person who served the
38 warrant by a writ of replevin or other process while proceedings
39 are pending.**

40 SECTION 75. IC 9-32-9-26 IS ADDED TO THE INDIANA CODE
41 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
42 1, 2017]: **Sec. 26. The prosecution of a recycling facility, automotive**



1 salvage rebuilder, insurance company, or individual suspected of
 2 violating this section may be instituted by the filing of an
 3 information or indictment in the same manner as other criminal
 4 cases are commenced.

5 SECTION 76. IC 9-32-9-27 IS ADDED TO THE INDIANA CODE
 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 7 1, 2017]: **Sec. 27. A person aggrieved by a violation of this chapter
 8 may recover the actual damages sustained, together with costs and
 9 reasonable attorney's fees. The court may increase the award of
 10 damages to:**

11 (1) an amount not to exceed three (3) times the actual
 12 damages sustained; or

13 (2) two thousand five hundred dollars (\$2,500);

14 **whichever is greater.**

15 SECTION 77. IC 9-32-9-28 IS ADDED TO THE INDIANA CODE
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 17 1, 2017]: **Sec. 28. A person who violates this chapter commits a
 18 deceptive act that is actionable by the attorney general and is
 19 subject to the remedies and penalties under IC 24-5-0.5.**

20 SECTION 78. IC 9-32-9-29 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2017]: **Sec. 29. (a) An automotive salvage recycler or an agent of
 23 an automotive salvage recycler may purchase a vehicle without a
 24 certificate of title for the vehicle if:**

25 (1) the vehicle is at least fifteen (15) model years old;

26 (2) the purchase is solely for the purpose of dismantling or
 27 wrecking the vehicle for the recovery of scrap metal or the
 28 sale of parts; and

29 (3) the automotive salvage recycler records all purchase
 30 transactions of vehicles as required in subsection (b).

31 (b) An automotive salvage recycler shall maintain the following
 32 information with respect to each vehicle purchase transaction to
 33 which the automotive salvage recycler is a party for at least five (5)
 34 years after the date of the purchase transaction:

35 (1) The name and address of any scrap metal processor or
 36 automobile scrapyard.

37 (2) The name of the person entering the information.

38 (3) The date and time of the purchase transaction.

39 (4) A description of the vehicle that is the subject of the
 40 purchase transaction, including the make and model of the
 41 vehicle, if practicable.

42 (5) The vehicle identification number of the vehicle, to the



1 extent practicable.

2 (6) The amount of consideration given for the vehicle.

3 (7) A written statement signed by the seller or the seller's
4 agent certifying the following:

5 (A) The seller or the seller's agent has the lawful right to
6 sell and dispose of the vehicle.

7 (B) The vehicle is not subject to a security interest or lien.

8 (C) The vehicle will not be titled again and will be
9 dismantled or destroyed.

10 (8) The name, date of birth, and address of the person from
11 whom the vehicle is being purchased.

12 (9) A photocopy or electronic scan of one (1) of the following
13 valid and unexpired forms of identification issued to the seller
14 or the seller's agent:

15 (A) A driver's license.

16 (B) An identification card issued under IC 9-24-16-1, a
17 photo exempt identification card issued under
18 IC 9-24-16.5, or a similar card issued under the laws of
19 another state or the federal government.

20 (C) A government issued document bearing an image of
21 the seller or seller's agent, as applicable.

22 For purposes of complying with this subdivision, an
23 automotive salvage recycler is not required to make a
24 separate copy of the seller's or seller's agent's identification
25 for each purchase transaction involving the seller or seller's
26 agent but may instead refer to a copy maintained in reference
27 to a particular purchase transaction.

28 (10) The license plate number, make, model, and color of the
29 vehicle that is used to deliver the purchased vehicle to the
30 automotive salvage recycler.

31 (11) The signature of the person receiving consideration from
32 the seller or the seller's agent.

33 (12) A photographic or videographic image, taken when the
34 vehicle is purchased, of the following:

35 (A) A frontal view of the facial features of the seller or the
36 seller's agent.

37 (B) The vehicle that is the subject of the purchase
38 transaction.

39 (c) An automotive salvage recycler may not complete a purchase
40 transaction without the information required under subsection
41 (b)(9).

42 (d) An automotive salvage recycler or an agent of an automotive



1 **salvage recycler that knowingly or intentionally buys a vehicle that**
 2 **is less than fifteen (15) model years old without a certificate of title**
 3 **or certificate of authority for the vehicle commits a Level 6 felony.**

4 SECTION 79. IC 9-32-11-1, AS AMENDED BY P.L.174-2016,
 5 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2017]: Sec. 1. (a) The following persons must be licensed
 7 under this article to engage in the business of buying, selling, or
 8 manufacturing motor vehicles:

- 9 (1) An automobile auction.
 10 (2) A converter manufacturer.
 11 (3) A dealer.
 12 (4) A distributor.
 13 (5) An automotive salvage recycler.
 14 (6) A watercraft dealer.
 15 (7) A manufacturer.
 16 (8) A transfer dealer.
 17 (9) An automotive mobility dealer.

18 ~~(b) An automotive mobility dealer who engages in the business of:~~

- 19 ~~(1) selling, installing, or servicing;~~
 20 ~~(2) offering to sell, install, or service; or~~
 21 ~~(3) soliciting or advertising the sale, installation, or servicing of;~~

22 ~~equipment or modifications specifically designed to facilitate use or~~
 23 ~~operation of a motor vehicle by an individual who is disabled or aged~~
 24 ~~must be licensed under this article.~~

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

28 (c) **After January 1, 2018,** an automotive mobility dealer that fails
 29 to be licensed **and hold an automotive mobility dealer endorsement**
 30 under this article, and engages in the ~~businesses described in~~
 31 ~~subsection (b)~~ **business of:**

- 32 **(1) selling;**
 33 **(2) installing;**
 34 **(3) servicing; or**
 35 **(4) soliciting or advertising the sale, installation, or servicing**
 36 **of;**

37 **equipment or modifications specifically designed to facilitate use**
 38 **or operation of a motor vehicle or watercraft by an individual who**
 39 **is disabled or aged** commits a Class A infraction.

40 SECTION 80. IC 9-32-11-2, AS AMENDED BY P.L.174-2016,
 41 SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2017]: Sec. 2. (a) An application for a license under this



- 1 chapter must:
- 2 (1) be accompanied by payment of the applicable fee required
- 3 under this section;
- 4 (2) be on a form prescribed by the secretary;
- 5 (3) contain the information the secretary considers necessary to
- 6 enable the secretary to determine fully:
- 7 (A) the qualifications and eligibility of the applicant to receive
- 8 the license; and
- 9 (B) the ability of the applicant to conduct properly the
- 10 business for which the application is submitted; ~~and~~
- 11 (4) contain evidence of a bond required in subsection (e); **and**
- 12 **(5) be completed by a dealer owner or dealer manager.**
- 13 (b) An application for a license as a dealer must show whether the
- 14 applicant proposes to sell new or used motor vehicles, or both.
- 15 (c) An applicant who proposes to use the Internet or another
- 16 computer network to facilitate the sale of motor vehicles shall maintain
- 17 all records at the established place of business in Indiana.
- 18 (d) The application must include an affidavit from:
- 19 (1) the person charged with enforcing a zoning ordinance, if one
- 20 exists; or
- 21 (2) the zoning enforcement officer under IC 36-7-4, if one exists;
- 22 who has jurisdiction over the real property where the applicant wants
- 23 to operate as a dealer. If there is no person or officer that has
- 24 jurisdiction over the real property, the application must be
- 25 accompanied by a statement to that effect from the executive of the unit
- 26 in which the real property is located. The affidavit must state that the
- 27 proposed location is zoned for the operation of a dealer's establishment.
- 28 The applicant may file the affidavit at any time after the filing of the
- 29 application. However, the secretary may not issue a license until the
- 30 applicant files the affidavit or the statement.
- 31 (e) A licensee shall maintain a bond satisfactory to the secretary in
- 32 the amount of twenty-five thousand dollars (\$25,000). The bond must:
- 33 (1) be in favor of the state;
- 34 (2) secure payment of fines, penalties, costs, and fees assessed by
- 35 the secretary after:
- 36 (A) notice;
- 37 (B) opportunity for a hearing; and
- 38 (C) opportunity for judicial review; and
- 39 (3) secure the payment of damages to a person aggrieved by a
- 40 violation of this article by the licensee after a judgment has been
- 41 issued.
- 42 (f) Service under this chapter shall be made in accordance with the



1 Indiana Rules of Trial Procedure.

2 (g) The fee for a license for a manufacturer or a distributor is
3 thirty-five dollars (\$35).

4 (h) The fee for a license for a dealer, ~~or an automobile auction~~ **other**
5 **than a manufacturer, converter manufacturer, distributor,**
6 **watercraft dealer, automotive salvage recycler, or transfer dealer**
7 is thirty dollars (\$30).

8 (i) The fee for a transfer dealer ~~or a converter manufacturer or an~~
9 ~~automotive mobility dealer~~ is twenty dollars (\$20).

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

12 SECTION 81. IC 9-32-11-2.5 IS ADDED TO THE INDIANA
13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
14 [EFFECTIVE JULY 1, 2017]: **Sec. 2.5. (a) An automotive mobility**
15 **dealer must be licensed under this article as a dealer,**
16 **manufacturer, or converter manufacturer.**

17 (b) **Effective January 1, 2018, before an automotive mobility**
18 **dealer engages in any of the activities described in IC 9-13-2-8.5,**
19 **the automotive mobility dealer must have an automotive mobility**
20 **dealer endorsement issued by the secretary.**

21 (c) **An application for an automotive mobility endorsement must**
22 **be:**

- 23 (1) **on a form prescribed by the secretary; and**
24 (2) **accompanied by proof that the applicant is accredited**
25 **through the Quality Assurance Program of the National**
26 **Mobility Equipment Dealers Association.**

27 SECTION 82. IC 9-32-11-5, AS AMENDED BY P.L.151-2015,
28 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2017]: Sec. 5. A dealer proposing to sell new motor vehicles
30 **or watercraft** shall file and maintain with the secretary:

- 31 (1) a current copy of each franchise to which the dealer is a party;
32 or
33 (2) if the dealer is a party to multiple franchises that are identical
34 except for stated items, a copy of the franchise form with
35 supplemental schedules of variations from the form.

36 SECTION 83. IC 9-32-11-6, AS AMENDED BY P.L.174-2016,
37 SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
38 JULY 1, 2017]: Sec. 6. (a) A license issued to a dealer under this
39 ~~chapter:~~ **article:**

- 40 (1) must specify the established place of business; and
41 (2) shall be conspicuously displayed at the established place of
42 business.



1 (b) If a licensee's business name or location is changed, the licensee
 2 shall notify the secretary not later than ten (10) days after the change
 3 and remit a fee of five dollars (\$5). The secretary shall retain the fee.
 4 The secretary shall endorse the change on the license if the secretary
 5 determines that the change is not subject to other provisions of this
 6 article: dealer's:

- 7 (1) business name, including a doing business as name;
 8 (2) established place of business address;
 9 (3) business entity type;
 10 (4) contact information; or
 11 (5) dealer owner;

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

15 (c) If the change is to information described in subsection (b)(1)
 16 or (b)(2), the dealer shall remit a fee of five dollars (\$5) with the
 17 notification and submit any additional information necessary to
 18 obtain an amended dealer license. The fee is nonrefundable, and
 19 the secretary shall retain the fee.

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

27 (e) A dealer that wants to change a **its established place of**
 28 **business** location must submit to the secretary **an an affidavit along**
 29 **with its** application for approval of the change. The application must
 30 be accompanied by an affidavit **must be** from:

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

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

36 (f) If there is no person or officer that has jurisdiction over the real
 37 property, the application must be accompanied by a statement to that
 38 effect from the executive 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 (e) (h) For the purpose of this section, an offsite sales license issued
3 under section 11 of this chapter does not constitute a change of
4 location.

5 SECTION 84. IC 9-32-11-7, AS AMENDED BY P.L.174-2016,
6 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2017]: Sec. 7. (a) A distributor representative and a
8 manufacturer representative become certified by:

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

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

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

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

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

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

32 SECTION 85. IC 9-32-11-7.5 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2017]: Sec. 7.5. **If a manufacturer**
35 **representative or distributor representative certificate issued**
36 **under section 7 of this chapter is lost or destroyed, the**
37 **manufacturer or distributor shall request a replacement certificate**
38 **from the secretary in a manner prescribed by the secretary.**

39 SECTION 86. IC 9-32-11-8, AS AMENDED BY P.L.174-2016,
40 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2017]: Sec. 8. The secretary shall, by rules adopted under
42 IC 4-22-2, establish requirements for an initial application for and



1 renewal of a dealer's license. The rules must include a requirement that
 2 each initial or renewal application for an automotive mobility ~~dealer's~~
 3 **license dealer endorsement** include proof that the applicant is
 4 accredited through the Quality Assurance Program of the National
 5 Mobility Equipment Dealers Association.

6 SECTION 87. IC 9-32-11-8.5 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2017]: **Sec. 8.5. If a dealer's license is lost or**
 9 **destroyed, the dealer must apply for a replacement dealer license**
 10 **in a manner prescribed by the secretary.**

11 SECTION 88. IC 9-32-11-9, AS ADDED BY P.L.92-2013,
 12 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2017]: Sec. 9. An automotive mobility dealer licensed **and**
 14 **endorsed** under this chapter is entitled to:

- 15 (1) display;
- 16 (2) inventory;
- 17 (3) advertise;
- 18 (4) offer for sale; or
- 19 (5) do any combination of subdivisions (1) through (4)
- 20 concerning;

21 any adapted **motor vehicle or watercraft.**

22 SECTION 89. IC 9-32-11-12.5, AS AMENDED BY P.L.174-2016,
 23 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2017]: Sec. 12.5. (a) This section applies to licenses (other
 25 than wholesale dealer licenses) issued after December 31, 2014.

26 (b) An initial or renewed license issued under this article is valid
 27 from the issue date through the expiration date in accordance with the
 28 following schedule:

- 29 (1) A license for a person whose business name begins with the
- 30 letters A through B expires February 1 of each year.
- 31 (2) A license for a person whose business name begins with the
- 32 letters C through D expires March 1 of each year.
- 33 (3) A license for a person whose business name begins with the
- 34 letters E through F expires April 1 of each year.
- 35 (4) A license for a person whose business name begins with the
- 36 letters G through H expires May 1 of each year.
- 37 (5) A license for a person whose business name begins with the
- 38 letters I through J expires June 1 of each year.
- 39 (6) A license for a person whose business name begins with the
- 40 letters K through L expires July 1 of each year.
- 41 (7) A license for a person whose business name begins with the
- 42 letters M through N expires August 1 of each year.



- 1 (8) A license for a person whose business name begins with the
- 2 letters O through P expires September 1 of each year.
- 3 (9) A license for a person whose business name begins with the
- 4 letters Q through R expires October 1 of each year.
- 5 (10) A license for a person whose business name begins with the
- 6 letters S through T expires November 1 of each year.
- 7 (11) A license for a person whose business name begins with the
- 8 letters U through V expires December 1 of each year.
- 9 (12) A license for a person whose business name begins with the
- 10 letters W through Z expires January 1 of each year.

11 (c) A dealer license issued to a person whose business name begins
 12 with a nonalpha character expires November 1 of each year.

13 (d) Notwithstanding subsection (b), a license issued in 2015 expires
 14 as follows:

License issued to a person with a business name beginning with:	License expiration date:
17 A through B	February 1, 2016
19 C through D	March 1, 2016
20 E through F	April 1, 2016
21 G through H	May 1, 2016
22 I through J	June 1, 2016
23 K through L	July 1, 2016
24 M through N	August 1, 2016
25 O through P	September 1, 2016
26 Q through R	October 1, 2016
27 S through T	November 1, 2016
28 U through V	December 1, 2016
29 W through Z	January 1, 2017

30 This subsection expires January 2, 2017.

31 (d) The fee for the renewal of an automotive salvage recycler
 32 license is ten dollars (\$10). The fees collected under this subsection
 33 are nonrefundable and shall be retained by the secretary.

34 (e) The fee for the renewal of a watercraft dealer license is thirty
 35 dollars (\$30). The fees collected under this subsection are
 36 nonrefundable and shall be retained by the secretary.

37 (f) The fee for the renewal of a manufacturer or distributor
 38 license is thirty-five dollars (\$35). The fees collected under this
 39 subsection are nonrefundable and shall be retained by the
 40 secretary.

41 (g) The fee for the renewal of a converter manufacturer or
 42 transfer dealer license is twenty dollars (\$20). The fees collected



1 under this subsection are nonrefundable and shall be deposited as
2 set forth in IC 9-32-7-3.

3 (h) The fee for the renewal of a dealer license not described in
4 subsection (d), (e), (f), or (g) is thirty dollars (\$30). The fees
5 collected under this section are nonrefundable and shall be
6 deposited as set forth in IC 9-32-7-3.

7 (e) (i) A person who violates this section by operating on an expired
8 license issued under this chapter commits a Class A infraction.

9 SECTION 90. IC 9-32-11-13, AS ADDED BY P.L.92-2013,
10 SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2017]: Sec. 13. A person licensed under this article may
12 transfer or assign a title for a motor vehicle **or watercraft**.

13 SECTION 91. IC 9-32-11-15, AS AMENDED BY P.L.174-2016,
14 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2017]: Sec. 15. (a) A person who ceases a business activity for
16 which a license was issued under this ~~chapter~~ **article** shall do the
17 following:

18 (1) On a form prescribed by the secretary, notify the secretary of
19 the date that the business activity will cease.

20 (2) Deliver to the secretary the license and all permanent dealer
21 license plates, including dealer designee license plates, issued to
22 the person not later than ten (10) days after the date the business
23 activity will cease.

24 (b) A dealer may not transfer or sell the:

25 (1) dealer's license;

26 (2) use of the dealer's license;

27 (3) dealer's dealer license plates; or

28 (4) use of the dealer's dealer license plates.

29 (c) A dealer that changes its form of organization or state of
30 incorporation may continue the dealer's licensure by filing an
31 amendment to the license and registration if the change does not
32 involve a material fact in the financial condition or management of the
33 dealer. The amendment becomes effective when filed or on the date
34 designated by the dealer in its filing. The new organization is a
35 successor to the original dealer for the purposes of this article.

36 (d) If there is a change in the dealer's ownership, the successive
37 owner shall file a new application for a license under this chapter.

38 SECTION 92. IC 9-32-11-18, AS AMENDED BY P.L.174-2016,
39 SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2017]: Sec. 18. (a) A person licensed under this article shall
41 be issued a special event permit from the secretary for a special event
42 that meets the following conditions:



- 1 (1) The event is a motor vehicle auction conducted by auctioneers
 2 licensed under IC 25-6.1-3.
- 3 (2) The motor vehicles to be auctioned are:
 4 (A) at least fifteen (15) years old; or
 5 (B) classified as classic, collector, or antique motor vehicles
 6 under rules adopted by the secretary.
- 7 (3) At least one hundred (100) motor vehicles will be auctioned
 8 during the special event.
- 9 (4) The licensee submits to the secretary an application for a
 10 special event permit not later than thirty (30) days before the
 11 beginning date of the special event.
- 12 (5) The application under subdivision (4) is accompanied by
 13 includes the following:
- 14 (A) An affidavit from:
 15 (i) the person charged with enforcing a zoning
 16 ordinance; or
 17 (ii) a zoning enforcement officer under IC 36-7-4;
 18 who has jurisdiction over the real property where the
 19 applicant wants to operate the special event auction.
- 20 (B) A fee of two hundred fifty dollars (\$250). The fee shall be
 21 deposited as set forth in IC 9-32-7-3.
- 22 (b) If there is no person or officer that has jurisdiction over the
 23 real property as described in subsection (a)(5)(A), the application
 24 must be accompanied by a statement to that effect from the
 25 executive of the unit in which the real property is located. The
 26 affidavit must state that the proposed location is zoned for the
 27 operation of a special event auction.
- 28 (c) The applicant may file the affidavit at any time after the
 29 filing of the application. However, the secretary may not issue a
 30 special event auction permit until the applicant files the affidavit
 31 or statement.
- 32 (b) (d) Not more than two (2) special event permits may be issued
 33 by the secretary to the same applicant within a twelve (12) month
 34 period.
- 35 SECTION 93. IC 9-32-11-19 IS REPEALED [EFFECTIVE JULY
 36 1, 2017]. ~~Sec. 19: If a license issued under this chapter is lost or~~
 37 ~~destroyed, the person to which the license is issued may apply for a~~
 38 ~~replacement license.~~
- 39 SECTION 94. IC 9-32-16-2, AS AMENDED BY P.L.174-2016,
 40 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2017]: Sec. 2. (a) An order issued under this
 42 article may deny a dealer license or endorsement application for



1 registration if the secretary finds that the order is in the public interest
 2 and subsection (c) authorizes the action. An order may condition or
 3 limit the license of an applicant to be a dealer and, if the applicant for
 4 a dealer license is a partner, officer, director, or person having similar
 5 status or performing similar functions, or a person directly or indirectly
 6 in control of the dealership, the order may condition or limit the
 7 license.

8 (b) If the secretary finds that an order is in the public interest and
 9 subsection (c) authorizes the action, an order issued under this article
 10 may deny, revoke, suspend, condition, limit, or permanently bar the
 11 granting of a license **or endorsement** or issuing of a license plate to or
 12 an application for a license, **endorsement**, or license plate from a
 13 dealer, ~~or a partner, an officer, a director, owner, dealer manager,~~ or
 14 a person having a similar status or performing similar functions as a
 15 dealer, or a person directly or indirectly in control of the dealer.
 16 However, the secretary may not:

- 17 (1) institute a revocation or suspension proceeding under this
 18 subsection based on an order issued under the law of another state
 19 that is reported to the secretary or a designee of the secretary more
 20 than one (1) year after the date of the order on which it is based;
 21 or
 22 (2) issue an order on the basis of an order issued under the dealer
 23 services laws of another state unless the other order was based on
 24 conduct for which subsection (c) would authorize the action had
 25 the conduct occurred in Indiana.

- 26 (c) A person may be disciplined under this section if the person:
 27 (1) has filed an application for a dealer license **or endorsement**
 28 in Indiana under this article, or its predecessor, within the
 29 previous ten (10) years, which, as of the effective date of license
 30 or registration or as of any date after filing in the case of an order
 31 denying effectiveness, was incomplete as to a material fact or
 32 contained a statement that, in light of the circumstances under
 33 which it was made, was false or misleading with respect to a
 34 material fact;
 35 (2) knowingly violated or knowingly failed to comply with this
 36 article, or its predecessor, within the previous ten (10) years;
 37 (3) has been convicted of a:
 38 (A) felony within the previous ten (10) years;
 39 (B) felony or misdemeanor involving theft or fraud; or
 40 (C) felony or misdemeanor concerning an aspect of business
 41 involving the offer, sale, financing, repair, modification, or
 42 manufacture of a motor vehicle **or watercraft**;



- 1 (4) is enjoined or restrained by a court with jurisdiction in an
 2 action instituted by a state or the United States from engaging in
 3 or continuing an act, practice, or course of business involving an
 4 aspect of a business involving the offer, barter, sale, purchase,
 5 transfer, financing, repair, or manufacture of a motor vehicle **or**
 6 **watercraft**;
 7 (5) refuses to allow or otherwise impedes the secretary from
 8 conducting an audit or inspection;
 9 (6) has engaged in dishonest or unethical practices in a business
 10 involving the offer, barter, sale, purchase, transfer, financing,
 11 repair, or manufacture of a motor vehicle **or watercraft** within
 12 the previous ten (10) years;
 13 (7) is engaging in unfair practices as set forth in this article;
 14 (8) is on the most recent tax warrant list supplied to the secretary
 15 by the department of state revenue;
 16 (9) violates IC 23-2-2.7;
 17 (10) violates IC 9-19-9;
 18 (11) willfully violates federal or state law relating to the sale,
 19 distribution, financing, or insuring of motor vehicles **or**
 20 **watercraft**;
 21 (12) is not compliant with local, state, or federal laws and
 22 regulations regarding a dealer license, **endorsement**, or dealer
 23 business;
 24 (13) violates ~~IC 9-22-3-19~~; **IC 9-32-9-15**;
 25 (14) violates ~~IC 9-22-3-20~~; **IC 9-32-9-16**; or
 26 (15) violates ~~IC 9-22-5-18.2~~; **IC 9-32-9-29**.
 27 (d) The secretary may revoke, suspend, or deny an application,
 28 impose fines and costs, restrict, condition, limit, bar, or suspend a
 29 dealer license, **endorsement**, or license plate issued under this article,
 30 or order restitution, or do any combination of these actions before final
 31 determination of an administrative proceeding. Upon the issuance of
 32 an order, the secretary shall promptly notify each person subject to the
 33 order:
 34 (1) that the order has been issued;
 35 (2) the reasons for the action; and
 36 (3) that upon receipt of a request in a record from the person, the
 37 matter will be scheduled for a hearing within fifteen (15) days.
 38 If a hearing is not requested and no hearing is ordered by the secretary
 39 within thirty (30) days after the date of service of the order, the order
 40 becomes final by operation of law. If a hearing is requested or ordered,
 41 the secretary, after notice of and opportunity for hearing to each person
 42 subject to the order, may modify or vacate the order or extend the order



- 1 until final determination.
- 2 (e) After a hearing, the secretary may suspend or deny an
3 application, impose fines and costs, restrict, condition, limit, bar,
4 suspend, or revoke a dealer license **or endorsement** or order
5 restitution, or do any combination of these actions.
- 6 (f) Revocation or suspension of a license **or endorsement** of a
7 dealer may be limited to one (1) or more locations, to one (1) or more
8 defined areas, or only to certain aspects of the business.
- 9 (g) Except as provided in subsection (d), an order may not be issued
10 under this section without:
- 11 (1) appropriate notice to the applicant or registrant;
 - 12 (2) an opportunity for a hearing; and
 - 13 (3) reasons for the action.
- 14 (h) A person that controls, directly or indirectly, a person not in
15 compliance with this section may be disciplined by order of the
16 secretary under subsections (a) and (b) to the same extent as the
17 noncomplying person, unless the controlling person did not know, and
18 in the exercise of reasonable care could not have known, of the
19 existence of conduct that is a ground for discipline under this section.
- 20 (i) A person subject to this chapter that has not been issued a license
21 **or endorsement** is subject to the same disciplinary fines, costs, and
22 penalties as if a license had been issued.
- 23 SECTION 95. IC 9-32-16-11, AS AMENDED BY P.L.174-2016,
24 SECTION 114, IS AMENDED TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) All dealers operating as a:
- 26 (1) corporation;
 - 27 (2) limited liability company;
 - 28 (3) limited partnership; or
 - 29 (4) limited liability partnership;
- 30 shall file and maintain all filings required to remain in good standing
31 with the secretary of state business services division.
- 32 (b) A dealer that applies for a license under this article shall provide
33 the secretary:
- 34 (1) the federal tax identification number; and
 - 35 (2) the registered retail merchant's certificate number issued
36 under IC 6-2.5-8;
- 37 issued to the dealer.
- 38 (c) The dealer must, for the entire licensing period, have an
39 established place of business with a physical Indiana address. The
40 dealer may not have a mailing address that differs from the actual
41 location of the business. **At the discretion of the secretary, an**
42 **exemption may be granted for dealers with an established place of**



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

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

9 ~~(1) All corporate officers of the dealer that will be named on the~~
 10 ~~license.~~ **(1) Each dealer owner.**

11 ~~(2) All partners of the dealer.~~

12 **(2) Each dealer manager.**

13 ~~(3) All owners of the dealer.~~

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

17 (e) A national criminal history background check or expanded
 18 criminal history check conducted under subsection (d):

19 (1) is at the expense of the dealer and the ~~dealer's corporate~~
 20 ~~officers, partners, and dealer~~ owners; and

21 (2) may be completed not more than sixty (60) days before the
 22 dealer applies for a license under this article.

23 (f) The secretary may deny an application for a license if the
 24 division finds that a ~~corporate officer, a partner, or an dealer~~ owner of
 25 ~~or a dealer~~ **manager** has been convicted of a:

26 (1) felony within the previous ten (10) years;

27 (2) felony or misdemeanor involving theft or fraud; or

28 (3) felony or misdemeanor concerning an aspect of business
 29 involving the offer, sale, financing, repair, modification, or
 30 manufacture of a motor vehicle **or watercraft.**

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

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

42 **(1) felony within the past ten (10) years;**



- 1 **(2) felony or misdemeanor involving theft or fraud; or**
 2 **(3) felony or misdemeanor concerning an aspect of business**
 3 **involving the:**
 4 **(A) offer;**
 5 **(B) sale;**
 6 **(C) financing;**
 7 **(D) repair;**
 8 **(E) modification; or**
 9 **(F) manufacture;**
 10 **of a motor vehicle or watercraft.**

11 ~~(g)~~ **(i)** The dealer and the corporation, company, or partnership must
 12 be in good standing with the bureau, the department of state revenue,
 13 and the state police department during the entire period for which a
 14 license is valid.

15 SECTION 96. IC 9-32-16-16, AS ADDED BY P.L.174-2016,
 16 SECTION 115, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2017]: Sec. 16. A dealer ~~may not alter or~~
 18 ~~reproduce~~ a license issued to the dealer by the secretary ~~license or~~
 19 **endorsement issued** under this article or by the bureau of motor
 20 vehicles under IC 9-23 (before its repeal) **may not be:**

- 21 **(1) loaned;**
 22 **(2) leased;**
 23 **(3) sold;**
 24 **(4) transferred;**
 25 **(5) copied;**
 26 **(6) altered; or**
 27 **(7) reproduced.**

28 SECTION 97. IC 9-32-18 IS ADDED TO THE INDIANA CODE
 29 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2017]:

31 **Chapter 18. Consumer Restitution Fund**

32 **Sec. 1. As used in this chapter, "fund" means the consumer**
 33 **restitution fund established by section 4 of this chapter.**

34 **Sec. 2. As used in this chapter, "qualifying claim" means a claim**
 35 **that:**

- 36 **(1) subject to section 5(b) of this chapter, is filed with the**
 37 **secretary on a form prescribed by the secretary; and**
 38 **(2) is based on:**
 39 **(A) a final judgment in a court with jurisdiction in Indiana**
 40 **that:**
 41 **(i) is issued in a case instituted or maintained by the**
 42 **office of the attorney general in connection with a case**



- 1 involving a violation by one (1) or more dealers of
 2 IC 9-19, IC 9-22, IC 9-32 or a rule adopted under the
 3 authority of IC 9-32, or IC 24-5-0.5; and
 4 (ii) awards restitution to one (1) or more qualifying
 5 individuals; or
 6 (B) a final administrative order issued under IC 9-32-16-2;
 7 (3) identifies each qualifying individual who:
 8 (A) has been awarded restitution in the order described in
 9 subdivision (2); and
 10 (B) seeks payment from the fund through the claim
 11 submitted;
 12 (4) attests that the dealer ordered to pay the restitution has
 13 not paid the full amount ordered with respect to each
 14 qualifying individual identified under subdivision (3); and
 15 (5) seeks payment from the fund of any amount of restitution:
 16 (A) ordered by the court or ordered under IC 9-32-16-2;
 17 and
 18 (B) not paid by the dealer ordered to pay the restitution
 19 with respect to each qualifying individual identified under
 20 subdivision (3).

21 **Sec. 3. As used in this chapter, "qualifying individual" means an**
 22 **Indiana resident who:**

- 23 (1) is a consumer victim who:
 24 (A) purchased a vehicle for personal use; or
 25 (B) otherwise conducted business with a dealership;
 26 (2) is awarded restitution by a final judgment in a court with
 27 jurisdiction in Indiana in a case that:
 28 (A) is instituted or maintained by the office of the attorney
 29 general and involves a violation described in section
 30 2(2)(A)(i) of this chapter; or
 31 (B) is awarded restitution by administrative order under
 32 IC 9-32-16-2; and
 33 (3) assists or otherwise cooperates with the secretary in the
 34 investigation or enforcement of the case.

35 **Sec. 4. (a) The consumer restitution fund is established for the**
 36 **purpose of compensating qualifying individuals who submit**
 37 **qualifying claims to the secretary.**

- 38 (b) The fund consists of:
 39 (1) appropriations made to the fund by the general assembly;
 40 (2) grants, gifts, and donations intended for deposit in the
 41 fund; and
 42 (3) at the discretion of the secretary, money recovered or



- 1 received by the secretary for consumer protection purposes,
 2 if use of the money is not otherwise restricted.
- 3 (c) At the discretion of the secretary, the secretary may make an
 4 annual deposit from the dealer compliance account established by
 5 IC 9-32-7-1 or the dealer enforcement account established by
 6 IC 9-32-7-2, or both, into the fund.
- 7 (d) The expenses of administering the fund shall be paid from
 8 the money in the fund.
- 9 (e) The treasurer of state shall invest the money in the fund not
 10 currently needed to meet the obligations of the fund in the same
 11 manner as other public money may be invested.
- 12 (f) Money in the fund at the end of a state fiscal year does not
 13 revert to the state general fund.
- 14 Sec. 5. (a) The secretary may not make a payment to a
 15 qualifying individual under section 4 of this chapter unless the
 16 dealer ordered to pay restitution to the qualifying individual has
 17 not paid the full amount of the restitution as described in section
 18 2(2) of this chapter:
- 19 (1) by the date provided in the order; or
 20 (2) not later than ninety (90) days after the order is issued;
 21 whichever is later.
- 22 (b) A qualifying individual may seek payment from the fund of
 23 any amount of the restitution:
- 24 (1) ordered by the court to be paid to the qualifying individual
 25 or ordered under IC 9-32-16-2; and
 26 (2) not paid by the dealer ordered to pay the restitution;
 27 by filing a claim with the secretary on a form prescribed by the
 28 secretary.
- 29 (c) The secretary must receive a claim filed under this chapter
 30 not later than one hundred eighty (180) days after the date on
 31 which the order described in section 2 of this chapter becomes
 32 final. The secretary may grant an extension of time for good cause
 33 shown by the qualifying individual filing the claim.
- 34 (d) Notwithstanding subsection (c), the secretary may not accept
 35 a claim that is received more than:
- 36 (1) two (2) years after the date of the judgment described in
 37 section 2(2)(A) of this chapter; or
 38 (2) one hundred eighty (180) days after the date of the order
 39 described in section 2(2)(B) of this chapter;
 40 becomes final.
- 41 (e) The personal information (as defined in IC 9-32-2-18.7), of
 42 a qualifying individual who files a qualifying claim with the



1 secretary under subsection (b) is confidential and may not be
2 disclosed or distributed outside the secretary, except as required by
3 law.

4 (f) Upon receiving a qualifying claim, the secretary may pay,
5 from money available in the fund, to each qualifying individual
6 identified in the claim under section 2(3) of this chapter an amount
7 that:

8 (1) is determined by the secretary, at the secretary's
9 discretion;

10 (2) may be up to the amount of the restitution awarded to the
11 qualifying individual and not paid by the dealer ordered to
12 pay the restitution; and

13 (3) may not exceed three thousand dollars (\$3,000).

14 (g) The limits set forth in subsection (f) do not prohibit a
15 qualifying individual from seeking to recover, in any action, or
16 through any other lawful remedy available, any amount of the
17 restitution that:

18 (1) is awarded to the qualifying individual in the order
19 described in section 2(2) of this chapter;

20 (2) is not paid by the dealer ordered to pay the restitution;
21 and

22 (3) exceeds the amount paid to the qualifying individual by the
23 secretary under subsection (f).

24 **Sec. 6. The state is not liable for a determination or an award**
25 **made by the secretary under this chapter, except to the extent that**
26 **money is available in the fund on the date the award is determined**
27 **by the secretary under this chapter.**

28 **Sec. 7. The secretary may adopt rules under IC 4-22-2 to**
29 **implement this chapter.**

30 SECTION 98. IC 34-30-2-34.3 IS ADDED TO THE INDIANA
31 CODE AS A NEW SECTION TO READ AS FOLLOWS
32 [EFFECTIVE JULY 1, 2017]: **Sec. 34.3. IC 9-32-9-21 (Concerning**
33 **persons releasing or providing evidence or information concerning**
34 **salvage motor vehicles).**

35 SECTION 99. IC 35-52-9-55.3 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2017]: **Sec. 55.3. IC 9-31-3-30 defines a crime**
38 **concerning temporary and dealer license plates.**

39 SECTION 100. IC 35-52-9-55.5 IS ADDED TO THE INDIANA
40 CODE AS A NEW SECTION TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2017]: **Sec. 55.5. IC 9-31-3-31 defines a crime**
42 **concerning temporary license plates.**



1 SECTION 101. IC 35-52-9-25.6, AS ADDED BY P.L.188-2015,
 2 SECTION 144, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2017]: Sec. 25.6. ~~IC 9-22-3-7.5~~ **IC 9-32-9-13**
 4 defines a crime concerning abandoned, salvaged, and scrap vehicles.

5 SECTION 102. IC 35-52-9-26.4, AS ADDED BY P.L.188-2015,
 6 SECTION 146, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2017]: Sec. 26.4. ~~IC 9-22-3-19~~ **IC 9-32-9-15**
 8 defines a crime concerning abandoned, salvaged, and scrap vehicles.

9 SECTION 103. IC 35-52-9-26.5, AS ADDED BY P.L.188-2015,
 10 SECTION 147, IS AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2017]: Sec. 26.5. ~~IC 9-22-3-20~~ **IC 9-32-9-16**
 12 defines a crime concerning abandoned, salvaged, and scrap vehicles.

13 SECTION 104. IC 35-52-9-26.6, AS ADDED BY P.L.188-2015,
 14 SECTION 148, IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2017]: Sec. 26.6. ~~IC 9-22-3-21~~ **IC 9-32-9-17**
 16 defines a crime concerning abandoned, salvaged, and scrap vehicles.

17 SECTION 105. IC 35-52-9-26.7, AS ADDED BY P.L.188-2015,
 18 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2017]: Sec. 26.7. ~~IC 9-22-3-22~~ **IC 9-32-9-18**
 20 defines a crime concerning abandoned, salvaged, and scrap vehicles.

21 SECTION 106. IC 35-52-9-26.8, AS ADDED BY P.L.188-2015,
 22 SECTION 150, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2017]: Sec. 26.8. ~~IC 9-22-3-23~~ **IC 9-32-9-19**
 24 defines a crime concerning abandoned, salvaged, and scrap vehicles.

25 SECTION 107. IC 35-52-9-26.9, AS ADDED BY P.L.188-2015,
 26 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2017]: Sec. 26.9. ~~IC 9-22-3-24~~ **IC 9-32-9-20**
 28 defines a crime concerning abandoned, salvaged, and scrap vehicles.

29 SECTION 108. IC 35-52-9-29, AS ADDED BY P.L.169-2014,
 30 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2017]: Sec. 29. ~~IC 9-22-5-18.2~~ **IC 9-32-9-29** defines a crime
 32 concerning buying a motor vehicle without a certificate of title.

33 SECTION 109. IC 35-52-9-58 IS REPEALED [EFFECTIVE JULY
 34 1, 2017]. Sec. 58. ~~IC 9-32-6.5-4~~ defines a crime concerning license
 35 plates.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1488, 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 21, line 34, delete "(m)" and insert "(o)".

Page 49, line 1, delete "of IC 9-32".

Page 49, line 2, delete ", including a violation of a rule adopted under the" and insert "**of IC 9-19, IC 9-22, IC 9-32 or a rule adopted under the authority of IC 9-32, or IC 24-5-0.5;**".

Page 49, delete line 3.

and when so amended that said bill do pass.

(Reference is to HB 1488 as introduced.)

SOLIDAY

Committee Vote: yeas 13, nays 0.

