

SENATE BILL No. 80

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-32; IC 13-20-25-10; IC 24-5; IC 34-30-34-2.

Synopsis: Code publication. Repeals and relocates a specific Indiana Code definitions chapter for organization of the defined terms by alphabetical order and to provide for future expansion of the chapter. Makes conforming cross-reference updates. Makes no substantive change to law. (The introduced version of this bill was prepared by the code revision commission.)

Effective: July 1, 2024.

Freeman, Taylor G

January 8, 2024, read first time and referred to Committee on Judiciary.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 80



A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

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

1 SECTION 1. IC 9-13-2-1.6, AS ADDED BY P.L.92-2013,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 1.6. "Advisory board", for purposes of IC 9-32,
4 has the meaning set forth in ~~IC 9-32-2-3~~. **IC 9-32-2.1-2.**

5 SECTION 2. IC 9-13-2-8.5, AS AMENDED BY P.L.137-2018,
6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2024]: Sec. 8.5. "Automotive mobility dealer" has the
8 meaning set forth in ~~IC 9-32-2-4.5~~. **IC 9-32-2.1-4.**

9 SECTION 3. IC 9-13-2-9, AS AMENDED BY P.L.198-2016,
10 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2024]: Sec. 9. "Automotive salvage rebuilder" has the
12 meaning set forth in ~~IC 9-32-2-5~~. **IC 9-32-2.1-5.**

13 SECTION 4. IC 9-13-2-10.5, AS ADDED BY P.L.134-2023,
14 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2024]: Sec. 10.5. "Average wholesale value", for purposes of
16 IC 9-32-11, has the meaning set forth in ~~IC 9-32-2-5.5~~. **IC 9-32-2.1-6.**

17 SECTION 5. IC 9-13-2-15, AS AMENDED BY P.L.92-2013,



1 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 15. "Broker", for purposes of IC 9-32, has the
3 meaning set forth in ~~IC 9-32-2-6~~: **IC 9-32-2.1-7.**

4 SECTION 6. IC 9-13-2-19.5, AS AMENDED BY P.L.92-2013,
5 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2024]: Sec. 19.5. "Charge back", for purposes of IC 9-32, has
7 the meaning set forth in ~~IC 9-32-2-9~~: **IC 9-32-2.1-8.**

8 SECTION 7. IC 9-13-2-42, AS AMENDED BY P.L.137-2018,
9 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2024]: Sec. 42. "Dealer" has the meaning set forth in
11 ~~IC 9-32-2-9.6~~: **IC 9-32-2.1-10.**

12 SECTION 8. IC 9-13-2-42.3, AS ADDED BY P.L.179-2017,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2024]: Sec. 42.3. "Dealer manager", for purposes of IC 9-32,
15 has the meaning set forth in ~~IC 9-32-2-9.7~~: **IC 9-32-2.1-11.**

16 SECTION 9. IC 9-13-2-42.5, AS ADDED BY P.L.179-2017,
17 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2024]: Sec. 42.5. "Dealer owner", for purposes of IC 9-32, has
19 the meaning set forth in ~~IC 9-32-2-9.9~~: **IC 9-32-2.1-12.**

20 SECTION 10. IC 9-13-2-43.3, AS ADDED BY P.L.92-2013,
21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2024]: Sec. 43.3. "Director", for purposes of IC 9-32, has the
23 meaning set forth in ~~IC 9-32-2-10~~: **IC 9-32-2.1-13.**

24 SECTION 11. IC 9-13-2-45.2, AS ADDED BY P.L.151-2015,
25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2024]: Sec. 45.2. "Distributor representative", for purposes of
27 IC 9-32-11, has the meaning set forth in ~~IC 9-32-2-10.5~~:
28 **IC 9-32-2.1-15.**

29 SECTION 12. IC 9-13-2-45.5, AS ADDED BY P.L.92-2013,
30 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2024]: Sec. 45.5. "Division", for purposes of IC 9-32, has the
32 meaning set forth in ~~IC 9-32-2-11~~: **IC 9-32-2.1-16.**

33 SECTION 13. IC 9-13-2-45.8, AS ADDED BY P.L.245-2019,
34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2024]: Sec. 45.8. "Document preparation fee" has the meaning
36 set forth in ~~IC 9-32-2-11.2~~: **IC 9-32-2.1-17.**

37 SECTION 14. IC 9-13-2-51, AS AMENDED BY P.L.92-2013,
38 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2024]: Sec. 51. "Existing franchise", for purposes of IC 9-32,
40 has the meaning set forth in ~~IC 9-32-2-12~~: **IC 9-32-2.1-21.**

41 SECTION 15. IC 9-13-2-67, AS AMENDED BY P.L.92-2013,
42 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 67. "Franchise", for purposes of IC 9-32, has the
2 meaning set forth in ~~IC 9-32-2-13~~. **IC 9-32-2.1-22.**

3 SECTION 16. IC 9-13-2-68, AS AMENDED BY P.L.92-2013,
4 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2024]: Sec. 68. "Franchisee", for purposes of IC 9-32, has the
6 meaning set forth in ~~IC 9-32-2-14~~. **IC 9-32-2.1-23.**

7 SECTION 17. IC 9-13-2-69, AS AMENDED BY P.L.92-2013,
8 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2024]: Sec. 69. "Franchisor", for purposes of IC 9-32, has the
10 meaning set forth in ~~IC 9-32-2-15~~. **IC 9-32-2.1-24.**

11 SECTION 18. IC 9-13-2-90, AS AMENDED BY P.L.92-2013,
12 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
13 JULY 1, 2024]: Sec. 90. "Labor rate", for purposes of IC 9-32, has the
14 meaning set forth in ~~IC 9-32-2-16~~. **IC 9-32-2.1-28.**

15 SECTION 19. IC 9-13-2-97.6, AS ADDED BY P.L.151-2015,
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2024]: Sec. 97.6. "Manufacturer representative", for purposes
18 of IC 9-32-11, has the meaning set forth in ~~IC 9-32-2-18.5~~.
19 **IC 9-32-2.1-31.**

20 SECTION 20. IC 9-13-2-111.5, AS ADDED BY P.L.120-2020,
21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2024]: Sec. 111.5. "New motor vehicle dealer", for purposes
23 of IC 9-32, has the meaning set forth in ~~IC 9-32-2-18.3~~.
24 **IC 9-32-2.1-32.**

25 SECTION 21. IC 9-13-2-124, AS AMENDED BY P.L.198-2016,
26 SECTION 145, IS AMENDED TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2024]: Sec. 124. "Person" means an individual,
28 a firm, a partnership, an association, a fiduciary, an executor or
29 administrator, a governmental entity, a limited liability company, a
30 corporation, a sole proprietorship, a trust, an estate, or another entity,
31 except as defined in the following sections:

32 (1) IC 9-20-14-0.5.

33 (2) IC 9-20-15-0.5.

34 (3) ~~IC 9-32-2-18.6~~. **IC 9-32-2.1-33.**

35 SECTION 22. IC 9-13-2-151.5, AS AMENDED BY P.L.92-2013,
36 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2024]: Sec. 151.5. "Relevant market area", for purposes of
38 IC 9-32, has the meaning set forth in ~~IC 9-32-2-20~~. **IC 9-32-2.1-35.**

39 SECTION 23. IC 9-13-2-159.5, AS ADDED BY P.L.92-2013,
40 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2024]: Sec. 159.5. "Sale", for purposes of IC 9-32, has the
42 meaning set forth in ~~IC 9-32-2-23~~. **IC 9-32-2.1-36.**



1 SECTION 24. IC 9-13-2-162.5, AS ADDED BY P.L.92-2013,
 2 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 162.5. "Secretary", for purposes of IC 9-32, has
 4 the meaning set forth in ~~IC 9-32-2-24.~~ **IC 9-32-2.1-37.**

5 SECTION 25. IC 9-13-2-174.3, AS ADDED BY P.L.134-2023,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2024]: Sec. 174.3. "Stop sale directive", for purposes of
 8 IC 9-32-11, has the meaning set forth in ~~IC 9-32-2-24.8.~~
 9 **IC 9-32-2.1-39.**

10 SECTION 26. IC 9-13-2-185, AS AMENDED BY P.L.92-2013,
 11 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2024]: Sec. 185. "Transfer dealer", for purposes of IC 9-32,
 13 has the meaning set forth in ~~IC 9-32-2-25.~~ **IC 9-32-2.1-40.**

14 SECTION 27. IC 9-13-2-191.5, AS AMENDED BY P.L.92-2013,
 15 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]: Sec. 191.5. "Uniform time standards manual", for
 17 purposes of IC 9-32, has the meaning set forth in ~~IC 9-32-2-26.~~
 18 **IC 9-32-2.1-42.**

19 SECTION 28. IC 9-13-2-194.5, AS ADDED BY P.L.120-2020,
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2024]: Sec. 194.5. "Used motor vehicle", for purposes of
 22 IC 9-32, has the meaning set forth in ~~IC 9-32-2-26.5.~~ **IC 9-32-2.1-43.**

23 SECTION 29. IC 9-13-2-195, AS AMENDED BY P.L.92-2013,
 24 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2024]: Sec. 195. "Used parts dealer", for purposes of IC 9-32,
 26 has the meaning set forth in ~~IC 9-32-2-27.~~ **IC 9-32-2.1-45.**

27 SECTION 30. IC 9-32-2 IS REPEALED [EFFECTIVE JULY 1,
 28 2024]. (Definitions for Dealer Services Law).

29 SECTION 31. IC 9-32-2.1 IS ADDED TO THE INDIANA CODE
 30 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2024]:

32 **Chapter 2.1. Definitions**

33 **Sec. 1. The definitions in this chapter apply throughout this**
 34 **article.**

35 **Sec. 2. "Advisory board" refers to the motor vehicle sales**
 36 **advisory board established by IC 9-32-10-1.**

37 **Sec. 3. "Automobile auction company" means a person whose**
 38 **primary business consists of arranging, managing, sponsoring,**
 39 **advertising, hosting, carrying out, or otherwise facilitating the**
 40 **auction of more than three (3) motor vehicles or watercraft on the**
 41 **basis of bids by persons acting for themselves or others, within a**
 42 **twelve (12) month period. The term includes a place of business or**



1 facilities provided by an auctioneer as part of the business of the
 2 auctioneer for the purchase and sale of motor vehicles or
 3 watercraft on the basis of bids by persons acting for themselves or
 4 others. The term does not include a person acting only as an
 5 auctioneer under IC 25-6.1-1.

6 **Sec. 4. "Automotive mobility dealer" means a person that:**

7 (1) engages exclusively in the business of selling, offering to
 8 sell, or soliciting or advertising the sale of adapted vehicles or
 9 watercraft;

10 (2) possesses adapted vehicles or watercraft exclusively for the
 11 purpose of resale, either on the automotive mobility dealer's
 12 own account or on behalf of another as the primary or
 13 incidental business of the automotive mobility dealer; or

14 (3) engages in the business of:

15 (A) selling, installing, or servicing;

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

17 (C) soliciting or advertising the sale, installation, or
 18 servicing of;

19 equipment or modifications specifically designed to facilitate
 20 use or operation of a vehicle or watercraft by an individual
 21 who is disabled or aged.

22 The term includes a converter manufacturer (as defined by section
 23 9 of this chapter) that engages in any of the activities set forth in
 24 subdivisions (1), (2), and (3).

25 **Sec. 5. "Automotive salvage rebuilder" means a person that:**

26 (1) acquires salvage vehicles for the purpose of restoring,
 27 reconstructing, or rebuilding the vehicles; and

28 (2) resells, offers to resell, or advertises for resale the vehicles
 29 for use on the highway.

30 **Sec. 6. "Average wholesale value" means the average trade-in**
 31 **value indicated in an independent third party guide for the year,**
 32 **make, model, mileage, and condition of a used motor vehicle.**

33 **Sec. 7. (a) "Broker" means a person that, for a fee, a**
 34 **commission, or other valuable consideration, arranges or offers to**
 35 **arrange a transaction involving the sale, for purposes other than**
 36 **resale, of a new or used motor vehicle and that is not, at any point**
 37 **in the transaction, the bona fide owner of the motor vehicle**
 38 **involved in the transaction.**

39 **(b) The term does not include:**

40 (1) a dealer licensed under this article or an employee of a
 41 dealer licensed under this article acting in an employment
 42 arrangement with the dealer, if the motor vehicle being sold



1 is a motor vehicle in the dealer's inventory or is subject to a
 2 consignment agreement between the dealer and the owner of
 3 the motor vehicle;

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

8 (3) a manufacturer licensed under this article, or an employee
 9 of a manufacturer licensed under this article and acting in an
 10 employment arrangement with the manufacturer, if the sale
 11 being arranged is a sale to a dealer licensed under this article;
 12 or

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

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

16 (B) the service does not have an active role in the
 17 negotiation of a sale, including negotiating the price of the
 18 motor vehicle.

19 **Sec. 8. "Charge back"** means a manufacturer induced return of
 20 incentive payments to a manufacturer by a new motor vehicle
 21 dealer. The term includes a manufacturer drawing funds from an
 22 account of a new motor vehicle dealer.

23 **Sec. 9. "Converter manufacturer"** means a person that adds to,
 24 subtracts from, or modifies a previously assembled or
 25 manufactured motor vehicle. The term does not include a person
 26 that manufactures recreational vehicles.

27 **Sec. 10. "Dealer"**, unless otherwise provided, refers to all
 28 persons required to be licensed by the secretary under this article,
 29 and before July 1, 2015, a wholesale dealer.

30 **Sec. 11. "Dealer manager"** means an individual who works at
 31 the established place of business of a dealer and who is responsible
 32 for and is in charge of the day to day operations, including the
 33 management, direction, and control of the dealership.

34 **Sec. 12. "Dealer owner"** means the following:

35 (1) For a transport operator, a licensed dealer, or an applicant
 36 dealer, other than a manufacturer, the following:

37 (A) If a corporation, each officer, director, and
 38 shareholder having a ten percent (10%) or greater
 39 ownership interest in the corporation.

40 (B) If a corporation and it has no officer, director, or
 41 shareholder having a ten percent (10%) or greater
 42 ownership interest in the corporation, one (1) or more



- 1 officers, directors, or shareholders designated in writing by
2 the board of directors.
- 3 (C) If a sole proprietorship, the proprietor.
- 4 (D) If a partnership, each partner.
- 5 (E) If a limited liability company, each member of the
6 company.
- 7 (2) For a licensed or applicant manufacturer, one (1) or more
8 officers, directors, or shareholders designated in writing by
9 the manufacturer.
- 10 Sec. 13. "Director" refers to the director of the dealer services
11 division within the office of the secretary of state who is appointed
12 under IC 4-5-1-12(b).
- 13 Sec. 14. "Disclose" means to engage in a practice or conduct to
14 make available and make known personal information contained
15 in an individual record about an individual to a person by any
16 means of communication.
- 17 Sec. 15. "Distributor representative" means a person that is
18 certified by the secretary to be an agent of a licensed distributor to
19 act on behalf of a distributor licensed under this article.
- 20 Sec. 16. "Division" refers to the dealer services division within
21 the office of the secretary of state established by IC 4-5-1-12(a).
- 22 Sec. 17. "Document preparation fee" means any fee charged by
23 a dealer concerning the sale of a motor vehicle, regardless of
24 designation, and that includes costs incurred by the dealer for the
25 preparation of documents concerning the sale of a motor vehicle.
26 The term does not include a fee imposed by a financial institution
27 for the purpose of extending credit for the purchase of a vehicle.
- 28 Sec. 18. "Electronic record" means a record created, generated,
29 sent, communicated, received, or stored by electronic means.
- 30 Sec. 19. "Electronic signature" means an electronic sound,
31 symbol, or process attached to or logically associated with an
32 electronic record and executed or adopted by a person with the
33 intent to sign the electronic record.
- 34 Sec. 20. "Established place of business" has the meaning set
35 forth in IC 9-13-2-50.
- 36 Sec. 21. "Existing franchise" means the franchise in effect on
37 the date of a franchisee's death or incapacity.
- 38 Sec. 22. "Franchise" means an oral or a written agreement for
39 a definite or an indefinite period in which a manufacturer or
40 distributor grants to a dealer a right to use a trade name, trade or
41 service mark, or related characteristic, and in which there is a
42 community of interest in the marketing of motor vehicles or related



1 services at retail or otherwise.

2 **Sec. 23. "Franchisee"** means a dealer to whom a franchise is
3 granted.

4 **Sec. 24. "Franchisor"** means a manufacturer or distributor who
5 grants a franchise to a dealer.

6 **Sec. 25. "Fraud"** means:

7 (1) a misrepresentation of a material fact, promise,
8 representation, or prediction not made honestly or in good
9 faith; or

10 (2) the failure to disclose a material fact necessary in order to
11 make the statements made, in light of the circumstances under
12 which they were made, not misleading.

13 **Sec. 26. "Highly restricted personal information"** means the
14 following information that identifies an individual:

15 (1) Digital photograph or image.

16 (2) Social Security number.

17 (3) Medical or disability information.

18 **Sec. 27. "Individual record"** refers to a record created or
19 maintained by the division that contains personal information or
20 highly restricted personal information about an individual who is
21 the subject of the record identified in a request. The term includes
22 records created by a dealer related to the issuance of interim
23 license plates.

24 **Sec. 28. "Labor rate"** means the hourly labor rate charged by
25 a franchisee for service, filed periodically with the division as the
26 division may require, and posted prominently in the franchisee's
27 service department.

28 **Sec. 29. (a) "Manufactured home dealer"** means any person that
29 within a twelve (12) month period sells, offers to sell, or advertises
30 for sale, including directly by the Internet or another computer
31 network, at least three (3) new or used manufactured homes.

32 (b) The term does not include:

33 (1) a receiver, trustee, or other person appointed by or acting
34 under the judgment or order of a court; or

35 (2) a public officer while performing official duties.

36 **Sec. 30. "Manufacturer of a vehicle subcomponent system"**
37 means a manufacturer of a vehicle subcomponent system essential
38 to the operation of a motor vehicle. The term includes a public or
39 private university that is engaged in the:

40 (1) research;

41 (2) development; or

42 (3) manufacture;



1 of a vehicle subcomponent system.

2 **Sec. 31. "Manufacturer representative" means a person that is**
 3 **certified by the secretary to be an agent of a licensed manufacturer**
 4 **to act on behalf of a manufacturer licensed under this article.**

5 **Sec. 32. "New motor vehicle dealer" means any person that**
 6 **within a twelve (12) month period sells, offers to sell, or advertises**
 7 **for sale, including directly by the Internet or another computer**
 8 **network, at least twelve (12) new motor vehicles (excluding**
 9 **manufactured homes).**

10 **Sec. 33. "Person" does not include the state, an agency of the**
 11 **state, or a municipal corporation.**

12 **Sec. 34. (a) "Personal information" means information that**
 13 **identifies an individual, including an individual's:**

- 14 (1) digital photograph or image;
 15 (2) Social Security number;
 16 (3) driver's license or identification document number;
 17 (4) name;
 18 (5) address;
 19 (6) telephone number; or
 20 (7) medical or disability information.

21 **(b) The term does not include:**

- 22 (1) the name of a dealer owner;
 23 (2) the name of a representative of a:
 24 (A) manufacturer; or
 25 (B) distributor;
 26 (3) the name of the zoning official who signed a dealer license
 27 application or zoning affidavit related to a dealer license
 28 application;
 29 (4) the name of the lessor of a dealer's established place of
 30 business;
 31 (5) the name of a dealer's registered agent; or
 32 (6) the name, address, or telephone number of the established
 33 place of business of a:
 34 (A) business; or
 35 (B) dealer.

36 **Sec. 35. "Relevant market area" means the following:**

- 37 (1) With respect to a new motor vehicle dealer who plans to
 38 relocate the dealer's place of business in a county having a
 39 population of more than one hundred thousand (100,000), the
 40 area within a radius of six (6) miles of the intended site of the
 41 relocated dealer. The six (6) mile distance shall be determined
 42 by measuring the distance between the nearest surveyed



1 boundary of the existing new motor vehicle dealer's principal
 2 place of business and the nearest surveyed boundary line of
 3 the relocated new motor vehicle dealer's place of business.

4 (2) With respect to a:

5 (A) proposed new motor vehicle dealer; or

6 (B) new motor vehicle dealer who plans to relocate the
 7 dealer's place of business in a county having a population
 8 of not more than one hundred thousand (100,000);

9 the area within a radius of ten (10) miles of the intended site
 10 of the proposed or relocated dealer. The ten (10) mile distance
 11 shall be determined by measuring the distance between the
 12 nearest surveyed boundary line of the existing new motor
 13 vehicle dealer's principal place of business and the nearest
 14 surveyed boundary line of the proposed or relocated new
 15 motor vehicle dealer's principal place of business.

16 Sec. 36. "Sale" includes every contract of sale, contract to sell,
 17 or disposition of a motor vehicle or interest in a motor vehicle for
 18 value.

19 Sec. 37. "Secretary" refers to the secretary of state holding
 20 office as set forth in IC 4-5-1-1.

21 Sec. 38. "Sign" or "signature" includes a manual, facsimile, or
 22 conformed signature, or an electronic signature.

23 Sec. 39. "Stop sale directive" means a notification issued by a
 24 manufacturer or distributor stating that a used vehicle in inventory
 25 may not be sold or leased at retail or wholesale due to:

26 (1) a federal safety recall for:

27 (A) a defect; or

28 (B) a noncompliance; or

29 (2) a federal emissions recall.

30 Sec. 40. (a) "Transfer dealer" means a person that is not
 31 engaged in the business of selling motor vehicles but, as a result of
 32 the person's primary business, has cause to sell, offer to sell, or
 33 advertise for sale at least twelve (12) motor vehicles during a
 34 twelve (12) month period.

35 (b) The term does not include:

36 (1) a manufacturer;

37 (2) a distributor;

38 (3) a converter manufacturer;

39 (4) a watercraft dealer;

40 (5) an automotive mobility dealer;

41 (6) an automotive auction;

42 (7) a person engaged in the business of:



- 1 (A) storing vehicles;
 2 (B) furnishing supplies for vehicles;
 3 (C) providing towing services for vehicles; or
 4 (D) repairing vehicles; or
 5 (8) a person whose primary business is selling motor vehicles.
- 6 Sec. 41. "Transport operator" has the meaning set forth in
 7 IC 9-13-2-187.
- 8 Sec. 42. "Uniform time standards manual" means a schedule
 9 established by a manufacturer or distributor setting forth the time
 10 allowances for the diagnosis and performance of warranty work
 11 and service.
- 12 Sec. 43. "Used motor vehicle" means a motor vehicle that:
 13 (1) has been previously titled under IC 9-17; or
 14 (2) has been transferred by a manufacturer, distributor, or
 15 dealer to an ultimate purchaser.
- 16 Sec. 44. (a) "Used motor vehicle dealer" means any person that
 17 within a twelve (12) month period sells, offers to sell, or advertises
 18 for sale, including directly by the Internet or another computer
 19 network, at least twelve (12) used motor vehicles (excluding
 20 manufactured homes).
- 21 (b) The term does not include the following:
 22 (1) A receiver, trustee, or other person appointed by or acting
 23 under the judgment or order of a court.
 24 (2) A public officer while performing official duties.
 25 (3) A person that holds a mechanic's lien on a motor vehicle
 26 under IC 9-22-6, if the person sells the motor vehicle:
 27 (A) in accordance with requirements in IC 9-22-6; or
 28 (B) to an automotive salvage recycler licensed under
 29 IC 9-32-9 after the motor vehicle fails to sell at public
 30 auction conducted in compliance with IC 9-22-6.
 31 (4) A person that holds a lien for towing services under
 32 IC 9-22-1, if the person complies with all applicable
 33 requirements in IC 9-22-1 and IC 9-22-6.
- 34 Sec. 45. "Used parts dealer" means a person who primarily
 35 buys, sells, barter, exchanges, or deals in used major component
 36 parts. The term does not include a scrap metal processor.
- 37 Sec. 46. "Watercraft dealer" means a person that sells, offers to
 38 sell, or advertises the sale of at least six (6):
 39 (1) watercrafts;
 40 (2) trailers designed and used exclusively for the
 41 transportation of watercrafts; or
 42 (3) trailers sold in general association with the sale of



1 **watercrafts;**
 2 **within a period of twelve (12) months.**

3 SECTION 32. IC 9-32-11-2.5, AS AMENDED BY P.L.120-2020,
 4 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2024]: Sec. 2.5. (a) An automotive mobility dealer must be
 6 licensed under this article as a used motor vehicle dealer, manufacturer,
 7 new motor vehicle dealer, or converter manufacturer.

8 (b) Effective January 1, 2018, before an automotive mobility dealer
 9 engages in any of the activities described in ~~IC 9-32-2-4.5,~~
 10 **IC 9-32-2.1-4**, the automotive mobility dealer must have an automotive
 11 mobility dealer endorsement issued by the secretary.

12 (c) An application for an automotive mobility endorsement must be:

- 13 (1) on a form prescribed by the secretary; and
 14 (2) accompanied by proof that the applicant is accredited through
 15 the Quality Assurance Program of the National Mobility
 16 Equipment Dealers Association.

17 SECTION 33. IC 9-32-18-5, AS ADDED BY P.L.179-2017,
 18 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2024]: Sec. 5. (a) The secretary may not make a payment to
 20 a qualifying individual under section 4 of this chapter unless the dealer
 21 ordered to pay restitution to the qualifying individual has not paid the
 22 full amount of the restitution as described in section 2(2) of this
 23 chapter:

- 24 (1) by the date provided in the order; or
 25 (2) not later than ninety (90) days after the order is issued;
 26 whichever is later.

27 (b) A qualifying individual may seek payment from the fund of any
 28 amount of the restitution:

- 29 (1) ordered by the court to be paid to the qualifying individual or
 30 ordered under IC 9-32-16-2; and
 31 (2) not paid by the dealer ordered to pay the restitution;

32 by filing a claim with the secretary on a form prescribed by the
 33 secretary.

34 (c) The secretary must receive a claim filed under this chapter not
 35 later than one hundred eighty (180) days after the date on which the
 36 order described in section 2 of this chapter becomes final. The
 37 secretary may grant an extension of time for good cause shown by the
 38 qualifying individual filing the claim.

39 (d) Notwithstanding subsection (c), the secretary may not accept a
 40 claim that is received more than:

- 41 (1) two (2) years after the date of the judgment described in
 42 section 2(2)(A) of this chapter; or



1 (2) one hundred eighty (180) days after the date of the order
 2 described in section 2(2)(B) of this chapter;
 3 becomes final.

4 (e) The personal information (as defined in ~~IC 9-32-2-18.7~~;
 5 **IC 9-32-2.1-34**) of a qualifying individual who files a qualifying claim
 6 with the secretary under subsection (b) is confidential and may not be
 7 disclosed or distributed outside the secretary, except as required by
 8 law.

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

- 12 (1) is determined by the secretary, at the secretary's discretion;
- 13 (2) may be up to the amount of the restitution awarded to the
 14 qualifying individual and not paid by the dealer ordered to pay the
 15 restitution; and
- 16 (3) may not exceed three thousand dollars (\$3,000).

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

- 20 (1) is awarded to the qualifying individual in the order described
 21 in section 2(2) of this chapter;
- 22 (2) is not paid by the dealer ordered to pay the restitution; and
- 23 (3) exceeds the amount paid to the qualifying individual by the
 24 secretary under subsection (f).

25 SECTION 34. IC 13-20-25-10, AS AMENDED BY P.L.130-2018,
 26 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2024]: Sec. 10. (a) A person:

- 28 (1) who:
 - 29 (A) is not required to submit a recycling activity report under
 - 30 section 9 of this chapter; but
 - 31 (B) recycled recyclable materials during a calendar year;
- 32 (2) who:
 - 33 (A) meets the definition of "scrap metal processing facility" set
 - 34 forth in IC 8-23-1-36;
 - 35 (B) meets the definition of "automotive salvage recycler" set
 - 36 forth in IC 9-13-2-10;
 - 37 (C) meets the definition of "recycling facility" set forth in
 - 38 IC 9-13-2-150.3;
 - 39 (D) is engaged in business subject to IC 9-22-3;
 - 40 (E) meets the definition of "automotive salvage rebuilder" set
 - 41 forth in ~~IC 9-32-2-5~~; **IC 9-32-2.1-5**;
 - 42 (F) meets the definition of "scrap metal processor" set forth in



1 IC 13-11-2-196.5;
 2 (G) meets the definition of "core buyer" set forth in
 3 IC 25-37.5-1-0.2; or
 4 (H) meets the definition of "valuable metal dealer" set forth in
 5 IC 25-37.5-1-1(b); or
 6 (3) who:
 7 (A) is not required to submit a recycling activity report under
 8 section 9 of this chapter; but
 9 (B) took action during a calendar year to recover, from the
 10 solid waste stream, for purposes of:
 11 (i) use or reuse;
 12 (ii) conversion into raw materials; or
 13 (iii) use in the production of new products;
 14 materials that were not municipal waste;
 15 may voluntarily submit a recycling activity report to the commissioner
 16 concerning the person's recycling activity during the calendar year.
 17 (b) The commissioner shall include information reported to the
 18 commissioner under this section in the annual reports that the
 19 commissioner is required to submit under IC 4-23-5.5-6.
 20 SECTION 35. IC 24-5-13-3.1, AS AMENDED BY P.L.137-2018,
 21 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 3.1. As used in this chapter, "dealer" has the
 23 meaning set forth in ~~IC 9-32-2-9.6.~~ **IC 9-32-2.1-10.**
 24 SECTION 36. IC 24-5-13.1-4, AS ADDED BY P.L.91-2022,
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2024]: Sec. 4. As used in this chapter, "dealer" has the
 27 meaning set forth in ~~IC 9-32-2-9.6.~~ **IC 9-32-2.1-10.**
 28 SECTION 37. IC 34-30-34-2, AS ADDED BY P.L.211-2023,
 29 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2024]: Sec. 2. As used in this chapter, "dealer" has the
 31 meaning set forth in ~~IC 9-32-2-9.6.~~ **IC 9-32-2.1-10.**

