

## SENATE BILL No. 247

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-29-15; IC 9-31; IC 32-17; IC 32-34-10-6; IC 35-51-9-1.

**Synopsis:** Uniform Certificate of Title for Vessels Act. Enacts the Uniform Certificate of Title for Vessels Act, governing the application for and issuance of a title for certain vessels. Provides that the act applies to a vessel that is used principally on the waters of Indiana. Requires an owner, within 20 days of becoming an owner or within 20 days of when the vessel becomes used principally on the waters of Indiana, to apply for a certificate of title. Specifies that an application is not required for a federally documented vessel, a foreign documented vessel, a barge, a vessel under construction, or a vessel owned by a dealer. Repeals the existing law governing watercraft certificates of title.

**Effective:** July 1, 2014.

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January 9, 2014, read first time and referred to Committee on Civil Law.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# SENATE BILL No. 247

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

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

1 SECTION 1. IC 9-29-15-0.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2014]: **Sec. 0.5. Watercraft are classified for the purposes of this**  
4 **chapter as follows:**

Class	Length in Feet	
	At Least	But Less Than
1	0	13
2	13	16
3	16	20
4	20	26
5	26	40
6	40	50
7	50	

14 SECTION 2. IC 9-29-15-1 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The fee for a  
16 certificate of title or a duplicate certificate of title under ~~IC 9-31-2~~



1 **IC 9-31-2.1** is nine dollars and fifty cents (\$9.50).  
 2 (b) The fee is distributed as follows:  
 3 (1) Seven dollars (\$7) to the department of natural resources.  
 4 (2) Two dollars and fifty cents (\$2.50) to the bureau.  
 5 (c) Fifty cents (\$0.50) of each fee distributed under subsection  
 6 (b)(2) shall be deposited in the state motor vehicle technology fund  
 7 established by IC 9-29-16-1.

8 SECTION 3. IC 9-29-15-2 IS AMENDED TO READ AS  
 9 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) The fee for the  
 10 assignment of a hull identification number under ~~IC 9-31-2-8~~  
 11 **IC 9-31-2.1** is two dollars and fifty cents (\$2.50).

12 (b) The fee is retained by the bureau.  
 13 SECTION 4. IC 9-29-15-3 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. (a) **If a person fails**  
 15 **to apply for a title within the time required by IC 9-31-2.1**, the fee  
 16 for a late application for title under ~~IC 9-31-2-17~~ **IC 9-31-2.1** is ten  
 17 dollars (\$10).

18 (b) The fee is distributed as follows:  
 19 (1) Eight dollars (\$8) to the department of natural resources.  
 20 (2) Two dollars (\$2) to the bureau.

21 SECTION 5. IC 9-31-1-6 IS REPEALED [EFFECTIVE JULY 1,  
 22 2014]. ~~Sec. 6. Watercraft are classified for the purposes of this article~~  
 23 ~~and IC 9-29-15 as follows:~~

Class	Length in Feet	
	At Least	But Less Than
1	0	13
2	13	16
3	16	20
4	20	26
5	26	40
6	40	50
7	50	

33 SECTION 6. IC 9-31-2 IS REPEALED [EFFECTIVE JULY 1,  
 34 2014]. (Watercraft Certificates of Title).

35 SECTION 7. IC 9-31-2.1 IS ADDED TO THE INDIANA CODE  
 36 AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2014]:

38 **Chapter 2.1. Uniform Certificate of Title for Vessels Act**  
 39 **Sec. 1. This chapter may be cited as the Uniform Certificate of**  
 40 **Title for Vessels Act.**  
 41 **Sec. 2. (a) In this chapter:**  
 42 (1) "Barge" means a vessel that is not self-propelled or fitted



- 1 for propulsion by sail, paddle, oar, or similar device.  
2 (2) "Builder's certificate" means a certificate of the facts of  
3 build of a vessel described in 46 CFR.  
4 (3) "Buyer" means a person that buys or contracts to buy a  
5 vessel.  
6 (4) "Cancel", with respect to a certificate of title, means to  
7 make the certificate ineffective.  
8 (5) "Certificate of origin" means a record created by a  
9 manufacturer or importer as the manufacturer's or  
10 importer's proof of identity of a vessel. The term includes a  
11 manufacturer's certificate or statement of origin and an  
12 importer's certificate or statement of origin. The term does  
13 not include a builder's certificate.  
14 (6) "Certificate of title" means a record, created by the  
15 bureau under this chapter or by a governmental agency of  
16 another jurisdiction under the law of that jurisdiction, that is  
17 designated as a certificate of title by the bureau or agency and  
18 is evidence of ownership of a vessel.  
19 (7) "Dealer" means a person, including a manufacturer, in the  
20 business of selling vessels.  
21 (8) "Documented vessel" means a vessel covered by a  
22 certificate of documentation issued pursuant to 46 U.S.C.  
23 12105. The term does not include a foreign documented vessel.  
24 (9) "Electronic" means relating to technology having  
25 electrical, digital, magnetic, wireless, optical, electromagnetic,  
26 or similar capabilities.  
27 (10) "Electronic certificate of title" means a certificate of title  
28 consisting of information that is stored solely in an electronic  
29 medium and is retrievable in perceivable form.  
30 (11) "Foreign documented vessel" means a vessel the  
31 ownership of which is recorded in a registry maintained by a  
32 country other than the United States that identifies each  
33 person that has an ownership interest in a vessel and includes  
34 a unique alphanumeric designation for the vessel.  
35 (12) "Good faith" means honesty in fact and the observance  
36 of reasonable commercial standards of fair dealing.  
37 (13) "Hull damaged" means compromised with respect to the  
38 integrity of a vessel's hull by a collision, allision, lightning  
39 strike, fire, explosion, running aground, or similar  
40 occurrence, or the sinking of a vessel in a manner that creates  
41 a significant risk to the integrity of the vessel's hull.  
42 (14) "Hull identification number" means the alphanumeric



1 designation assigned to a vessel pursuant to 33 CFR Part 181.

2 (15) "Lien creditor", with respect to a vessel, means:

3 (A) a creditor that has acquired a lien on the vessel by  
4 attachment, levy, or the like;

5 (B) an assignee for benefit of creditors from the time of  
6 assignment;

7 (C) a trustee in bankruptcy from the date of the filing of  
8 the petition; or

9 (D) a receiver in equity from the time of appointment.

10 (16) "Owner" means a person that has legal title to a vessel.

11 (17) "Owner of record" means the owner indicated in the files  
12 of the bureau or, if the files indicate more than one (1) owner,  
13 the one (1) first indicated.

14 (18) "Person" means an individual, corporation, business  
15 trust, estate, trust, statutory trust, partnership, limited  
16 liability company, association, joint venture, public  
17 corporation, government or governmental subdivision,  
18 agency, or instrumentality, or any other legal or commercial  
19 entity.

20 (19) "Purchase" means to take by sale, lease, mortgage,  
21 pledge, consensual lien, security interest, gift, or any other  
22 voluntary transaction that creates an interest in a vessel.

23 (20) "Purchaser" means a person that takes by purchase.

24 (21) "Record" means information that is inscribed on a  
25 tangible medium or that is stored in an electronic or other  
26 medium and is retrievable in perceivable form.

27 (22) "Secured party", with respect to a vessel, means a  
28 person:

29 (A) in whose favor a security interest is created or  
30 provided for under a security agreement, whether or not  
31 any obligation to be secured is outstanding;

32 (B) that is a consignor under IC 26-1-9.1; or

33 (C) that holds a security interest arising under  
34 IC 26-1-2-401, IC 26-1-2-505, IC 26-1-2-711(3), or  
35 IC 26-1-2.1-508(5).

36 (23) "Secured party of record" means the secured party  
37 whose name is indicated as the name of the secured party in  
38 the files of the bureau or, if the files indicate more than one  
39 (1) secured party, the one (1) first indicated.

40 (24) "Security interest" means an interest in a vessel that  
41 secures payment or performance of an obligation if the  
42 interest is created by contract or arises under IC 26-1-2-401,



1 IC 26-1-2-505, IC 26-1-2-711(3), or IC 26-1-2.1-508(5). The  
 2 term includes any interest of a consignor in a vessel in a  
 3 transaction that is subject to IC 26-1-9.1. The term does not  
 4 include the special property interest of a buyer of a vessel on  
 5 identification of that vessel to a contract for sale under  
 6 IC 26-1-2-501, but a buyer also may acquire a security  
 7 interest by complying with IC 26-1-9.1. Except as otherwise  
 8 provided in IC 26-1-2-505, the right of a seller or lessor of a  
 9 vessel under IC 26-1-2 or IC 26-1-2.1 to retain or acquire  
 10 possession of the vessel is not a security interest, but a seller  
 11 or lessor also may acquire a security interest by complying  
 12 with IC 26-1-9.1. The retention or reservation of title by a  
 13 seller of a vessel notwithstanding shipment or delivery to the  
 14 buyer under IC 26-1-2-401 is limited in effect to a reservation  
 15 of a security interest. Whether a transaction in the form of a  
 16 lease creates a security interest is determined by  
 17 IC 26-1-1-201(37).

18 (25) "Sign" means, with present intent to authenticate or  
 19 adopt a record, to:

- 20 (A) make or adopt a tangible symbol; or
- 21 (B) attach to or logically associate with the record an
- 22 electronic symbol, sound, or process.

23 (26) "State" means a state of the United States, the District of  
 24 Columbia, Puerto Rico, the United States Virgin Islands, or  
 25 any territory or insular possession subject to the jurisdiction  
 26 of the United States.

27 (27) "State of principal use" means the state on whose waters  
 28 a vessel is or will be used, operated, navigated, or employed  
 29 more than on the waters of any other state during a calendar  
 30 year.

31 (28) "Title brand" means a designation of previous damage,  
 32 use, or condition that must be indicated on a certificate of  
 33 title.

34 (29) "Transfer of ownership" means a voluntary or  
 35 involuntary conveyance of an interest in a vessel.

36 (30) "Vessel" means any watercraft used or capable of being  
 37 used as a means of transportation on water, except:

- 38 (A) a seaplane;
- 39 (B) an amphibious vehicle for which a certificate of title is
- 40 issued pursuant to IC 9-17 or a similar statute of another
- 41 state;
- 42 (C) watercraft less than sixteen (16) feet in length and



- 1           propelled solely by sail, paddle, oar, or an engine of less  
 2           than ten (10) horsepower;  
 3           **(D) watercraft that operate only on a permanently fixed,  
 4           manufactured course and the movement of which is  
 5           restricted to or guided by means of a mechanical device to  
 6           which the watercraft is attached or by which the  
 7           watercraft is controlled;**  
 8           **(E) a stationary floating structure that:**  
 9                **(i) does not have and is not designed to have a mode of  
 10              propulsion of its own;**  
 11                **(ii) is dependent for utilities upon a continuous utility  
 12              hookup to a source originating on shore; and**  
 13                **(iii) has a permanent, continuous hookup to a shoreside  
 14              sewage system;**  
 15           **(F) watercraft owned by the United States, a state, or a  
 16           foreign government or a political subdivision of any of  
 17           them; and**  
 18           **(G) watercraft used solely as a lifeboat on another  
 19           watercraft.**  
 20           **(31) "Vessel number" means the alphanumeric designation  
 21           for a vessel issued pursuant to 46 U.S.C. 12301.**  
 22           **(32) "Written certificate of title" means a certificate of title  
 23           consisting of information inscribed on a tangible medium.**  
 24           **(b) The following definitions and terms also apply to this  
 25           chapter:**  
 26                **(1) "Agreement", IC 26-1-1-201(3).**  
 27                **(2) "Buyer in ordinary course of business", IC 26-1-1-201(9).**  
 28                **(3) "Consumer goods", IC 26-1-9.1-102(a)(23).**  
 29                **(4) "Debtor", IC 26-1-9.1-102(a)(28).**  
 30                **(5) "Knowledge", IC 26-1-1-201(25).**  
 31                **(6) "Lease", IC 26-1-2.1-103(1)(j).**  
 32                **(7) "Lessor", IC 26-1-2.1-103(1)(p).**  
 33                **(8) "Notice", IC 26-1-1-201(25).**  
 34                **(9) "Sale", IC 26-1-2-106(1).**  
 35                **(10) "Security agreement", IC 26-1-9.1-102(a)(74).**  
 36                **(11) "Seller", IC 26-1-2-103(1)(d).**  
 37                **(12) "Send", IC 26-1-1-201(38).**  
 38                **(13) "Value", IC 26-1-1-201(44).**  
 39           **(c) The definitions in subsections (a) and (b) do not apply to any  
 40           state or federal law governing licensing, numbering, or registration  
 41           if the same term is used in that law.**  
 42           **Sec. 3. Subject to section 28 of this chapter, this chapter applies**



1 to any transaction, certificate of title, or record relating to a vessel,  
 2 even if the transaction, certificate of title, or record was entered  
 3 into or created before July 1, 2014.

4 Sec. 4. Unless displaced by a provision of this chapter, the  
 5 principles of law and equity supplement its provisions.

6 Sec. 5. (a) The local law of the jurisdiction under whose  
 7 certificate of title a vessel is covered governs all issues relating to  
 8 the certificate from the time the vessel becomes covered by the  
 9 certificate until the vessel becomes covered by another certificate  
 10 or becomes a documented vessel, even if no other relationship  
 11 exists between the jurisdiction and the vessel or its owner.

12 (b) A vessel becomes covered by a certificate of title when an  
 13 application for the certificate and the applicable fee are delivered  
 14 to the bureau in accordance with this chapter or to the  
 15 governmental agency that creates a certificate in another  
 16 jurisdiction in accordance with the law of that jurisdiction.

17 Sec. 6. (a) Except as otherwise provided in subsections (b) and  
 18 (c), the owner of a vessel for which this state is the state of  
 19 principal use shall deliver to the bureau an application for a  
 20 certificate of title for the vessel, with the applicable fee, not later  
 21 than twenty (20) days after the later of:

- 22 (1) the date of a transfer of ownership; or
- 23 (2) the date this state becomes the state of principal use.

24 (b) An application for a certificate of title is not required for:

- 25 (1) a documented vessel;
- 26 (2) a foreign documented vessel;
- 27 (3) a barge;
- 28 (4) a vessel before delivery if the vessel is under construction
- 29 or completed pursuant to contract; or
- 30 (5) a vessel held by a dealer for sale or lease.

31 (c) The bureau may not issue, transfer, or renew a certificate of  
 32 number for a vessel issued pursuant to the requirements of 46  
 33 U.S.C. 12301, unless the bureau has created a certificate of title for  
 34 the vessel or an application for a certificate for the vessel and the  
 35 applicable fee have been delivered to the bureau.

36 Sec. 7. (a) Except as otherwise provided in sections 10, 15, 19,  
 37 20, 21, and 22 of this chapter, only an owner may apply for a  
 38 certificate of title.

39 (b) An application for a certificate of title must be signed by the  
 40 applicant and contain:

- 41 (1) the applicant's name, the street address of the applicant's
- 42 principal residence, and, if different, the applicant's mailing





- 1 address;
- 2 (2) the name and mailing address of each other owner of the
- 3 vessel;
- 4 (3) the Social Security number or taxpayer identification
- 5 number of each owner;
- 6 (4) the hull identification number for the vessel or, if none, an
- 7 application for the issuance of a hull identification number for
- 8 the vessel;
- 9 (5) the vessel number for the vessel or, if none is issued by the
- 10 bureau, an application for a vessel number;
- 11 (6) a description of the vessel as required by the bureau,
- 12 which must include:
- 13 (A) the official number for the vessel, if any, assigned by
- 14 the United States Coast Guard;
- 15 (B) the name of the manufacturer, builder, or maker;
- 16 (C) the model year or the year in which the manufacture
- 17 or build of the vessel was completed;
- 18 (D) the overall length of the vessel;
- 19 (E) the vessel type;
- 20 (F) the hull material;
- 21 (G) the propulsion type;
- 22 (H) the engine drive type, if any; and
- 23 (I) the fuel type, if any;
- 24 (7) an indication of all security interests in the vessel known
- 25 to the applicant and the name and mailing address of each
- 26 secured party;
- 27 (8) a statement that the vessel is not a documented vessel or a
- 28 foreign documented vessel;
- 29 (9) any title brand known to the applicant and, if known, the
- 30 jurisdiction under whose law the title brand was created;
- 31 (10) if the applicant knows that the vessel is hull damaged, a
- 32 statement that the vessel is hull damaged;
- 33 (11) if the application is made in connection with a transfer of
- 34 ownership, the transferor's name, street address, and, if
- 35 different, mailing address, the sales price, if any, and the date
- 36 of the transfer; and
- 37 (12) if the vessel previously was registered or titled in another
- 38 jurisdiction, a statement identifying each jurisdiction known
- 39 to the applicant in which the vessel was registered or titled.
- 40 (c) In addition to the information required by subsection (b), an
- 41 application for a certificate of title may contain an electronic
- 42 communication address of the owner, transferor, or secured party.



1 (d) Except as otherwise provided in section 19, 20, 21, or 22 of  
 2 this chapter, an application for a certificate of title must be  
 3 accompanied by:

4 (1) a certificate of title signed by the owner shown on the  
 5 certificate and which:

6 (A) identifies the applicant as the owner of the vessel; or

7 (B) is accompanied by a record that identifies the applicant  
 8 as the owner; or

9 (2) if there is no certificate of title:

10 (A) if the vessel was a documented vessel, a record issued  
 11 by the United States Coast Guard that shows the vessel is  
 12 no longer a documented vessel and identifies the applicant  
 13 as the owner;

14 (B) if the vessel was a foreign documented vessel, a record  
 15 issued by the foreign country that shows the vessel is no  
 16 longer a foreign documented vessel and identifies the  
 17 applicant as the owner; or

18 (C) in all other cases, a certificate of origin, bill of sale, or  
 19 other record that to the satisfaction of the bureau identifies  
 20 the applicant as the owner.

21 (e) A record submitted in connection with an application is part  
 22 of the application. The bureau shall maintain the record in its files.

23 (f) The bureau may require that an application for a certificate  
 24 of title be accompanied by payment or evidence of payment of all  
 25 fees and taxes payable by the applicant under the law of this state  
 26 other than this chapter in connection with the application or the  
 27 acquisition or use of the vessel.

28 Sec. 8. (a) Unless an application for a certificate of title is  
 29 rejected under subsection (c) or (d), the bureau shall create a  
 30 certificate for the vessel in accordance with subsection (b) not later  
 31 than twenty (20) days after delivery to it of an application that  
 32 complies with section 7 of this chapter.

33 (b) If the bureau creates electronic certificates of title, the  
 34 bureau shall create an electronic certificate unless in the  
 35 application the secured party of record or, if none, the owner of  
 36 record, requests that the bureau create a written certificate.

37 (c) Except as otherwise provided in subsection (d), the bureau  
 38 may reject an application for a certificate of title only if:

39 (1) the application does not comply with section 7 of this  
 40 chapter;

41 (2) the application does not contain documentation sufficient  
 42 for the bureau to determine whether the applicant is entitled



1 to a certificate;

2 (3) there is a reasonable basis for concluding that the  
3 application is fraudulent or issuance of a certificate would  
4 facilitate a fraudulent or illegal act; or

5 (4) the application does not comply with the law of this state  
6 other than this chapter.

7 (d) The bureau shall reject an application for a certificate of  
8 title for a vessel that is a documented vessel or a foreign  
9 documented vessel.

10 (e) The bureau may cancel a certificate of title created by it only  
11 if the bureau:

12 (1) could have rejected the application for the certificate  
13 under subsection (c);

14 (2) is required to cancel the certificate under another  
15 provision of this chapter; or

16 (3) receives satisfactory evidence that the vessel is a  
17 documented vessel or a foreign documented vessel.

18 **Sec. 9. (a) A certificate of title must contain:**

19 (1) the date the certificate was created;

20 (2) the name of the owner of record and, if not all owners are  
21 listed, an indication that there are additional owners indicated  
22 in the files of the bureau;

23 (3) the mailing address of the owner of record;

24 (4) the hull identification number;

25 (5) the information listed in section 7(b)(6) of this chapter;

26 (6) except as otherwise provided in section 15(b) of this  
27 chapter, the name and mailing address of the secured party of  
28 record, if any, and if not all secured parties are listed, an  
29 indication that there are other security interests indicated in  
30 the files of the bureau; and

31 (7) all title brands indicated in the files of the bureau covering  
32 the vessel, including brands indicated on a certificate created  
33 by a governmental agency of another jurisdiction and  
34 delivered to the bureau.

35 (b) This chapter does not preclude the bureau from noting on a  
36 certificate of title the name and mailing address of a secured party  
37 that is not a secured party of record.

38 (c) For each title brand indicated on a certificate of title, the  
39 certificate must identify the jurisdiction under whose law the title  
40 brand was created or the jurisdiction that created the certificate on  
41 which the title brand was indicated. If the meaning of a title brand  
42 is not easily ascertainable or cannot be accommodated on the



1 certificate, the certificate may state: "Previously branded in (insert  
2 the jurisdiction under whose law the title brand was created or  
3 whose certificate of title previously indicated the title brand)."

4 (d) If the files of the bureau indicate that a vessel previously was  
5 registered or titled in a foreign country, the bureau shall indicate  
6 on the certificate of title that the vessel was registered or titled in  
7 that country.

8 (e) A written certificate of title must contain a form that all  
9 owners indicated on the certificate may sign to evidence consent to  
10 a transfer of an ownership interest to another person. The form  
11 must include a certification, signed under penalty of perjury, that  
12 the statements made are true and correct to the best of each  
13 owner's knowledge, information, and belief.

14 (f) A written certificate of title must contain a form for the  
15 owner of record to indicate, in connection with a transfer of an  
16 ownership interest, that the vessel is hull damaged.

17 Sec. 10. (a) Unless subsection (c) applies, at or before the time  
18 the owner of record transfers an ownership interest in a hull  
19 damaged vessel that is covered by a certificate of title created by  
20 the bureau, if the damage occurred while that person was an owner  
21 of the vessel and the person has notice of the damage at the time of  
22 the transfer, the owner shall:

23 (1) deliver to the bureau an application for a new certificate  
24 that complies with section 7 of this chapter and includes the  
25 title brand designation "Hull Damaged"; or

26 (2) indicate on the certificate in the place designated for that  
27 purpose that the vessel is hull damaged and deliver the  
28 certificate to the transferee.

29 (b) Not later than twenty (20) days after delivery to the bureau  
30 of the application under subsection (a)(1) or the certificate of title  
31 under subsection (a)(2), the bureau shall create a new certificate  
32 that indicates that the vessel is branded "Hull Damaged".

33 (c) Before an insurer transfers an ownership interest in a hull  
34 damaged vessel that is covered by a certificate of title created by  
35 the bureau, the insurer shall deliver to the bureau an application  
36 for a new certificate that complies with section 7 of this chapter  
37 and includes the title brand designation "Hull Damaged". Not later  
38 than twenty (20) days after delivery of the application to the  
39 bureau, the bureau shall create a new certificate that indicates that  
40 the vessel is branded "Hull Damaged".

41 (d) An owner of record that fails to comply with subsection (a),  
42 a person that solicits or colludes in a failure by an owner of record



1 to comply with subsection (a), or an insurer that fails to comply  
2 with subsection (c) is subject to a civil penalty of one thousand  
3 dollars (\$1,000).

4 **Sec. 11. (a) For each record relating to a certificate of title**  
5 **submitted to the bureau, the bureau shall:**

6 (1) ascertain or assign the hull identification number for the  
7 vessel;

8 (2) maintain the hull identification number and all the  
9 information submitted with the application pursuant to  
10 section 7(b) of this chapter to which the record relates,  
11 including the date and time the record was delivered to the  
12 bureau;

13 (3) maintain the files for public inspection subject to  
14 subsection (e); and

15 (4) index the files of the bureau as required by subsection (b).

16 (b) The bureau shall maintain in its files the information  
17 contained in all certificates of title created under this chapter. The  
18 information in the files of the bureau must be searchable by the  
19 hull identification number of the vessel, the vessel number, the  
20 name of the owner of record, and any other method used by the  
21 bureau.

22 (c) The bureau shall maintain in its files, for each vessel for  
23 which it has created a certificate of title, all title brands known to  
24 the bureau, the name of each secured party known to the bureau,  
25 the name of each person known to the bureau to be claiming an  
26 ownership interest, and all stolen property reports the bureau has  
27 received.

28 (d) Upon request, for safety, security, or law enforcement  
29 purposes, the bureau shall provide to federal, state, or local  
30 government the information in its files relating to any vessel for  
31 which the bureau has issued a certificate of title.

32 (e) Except as otherwise provided by the law of this state other  
33 than this chapter, the information required under section 9 of this  
34 chapter is a public record. The information provided under section  
35 7(b)(3) of this chapter is not a public record.

36 **Sec. 12. (a) On creation of a written certificate of title, the**  
37 **bureau promptly shall send the certificate to the secured party of**  
38 **record or, if none, to the owner of record, at the address indicated**  
39 **for that person in the files of the bureau. On creation of an**  
40 **electronic certificate of title, the bureau promptly shall send a**  
41 **record evidencing the certificate to the owner of record and, if**  
42 **there is one, to the secured party of record, at the address indicated**



1 for that person in the files of the bureau. The bureau may send the  
2 record to the person's mailing address or, if indicated in the files  
3 of the bureau to an electronic address.

4 (b) If the bureau creates a written certificate of title, any  
5 electronic certificate of title for the vessel is canceled and replaced  
6 by the written certificate. The bureau shall maintain in the files of  
7 the bureau the date and time of cancellation.

8 (c) Before the bureau creates an electronic certificate of title,  
9 any written certificate for the vessel must be surrendered to the  
10 bureau. If the bureau creates an electronic certificate, the bureau  
11 shall destroy or otherwise cancel the written certificate for the  
12 vessel that has been surrendered to the bureau and maintain in the  
13 files of the bureau the date and time of destruction or other  
14 cancellation. If a written certificate being canceled is not destroyed,  
15 the bureau shall indicate on the face of the certificate that it has  
16 been canceled.

17 Sec. 13. A certificate of title is prima facie evidence of the  
18 accuracy of the information in the record that constitutes the  
19 certificate.

20 Sec. 14. Possession of a certificate of title does not by itself  
21 provide a right to obtain possession of a vessel. Garnishment,  
22 attachment, levy, replevin, or other judicial process against the  
23 certificate is not effective to determine possessory rights to the  
24 vessel. This chapter does not prohibit enforcement under law of  
25 this state other than this chapter of a security interest in, levy on,  
26 or foreclosure of a statutory or common law lien on a vessel.  
27 Absence of an indication of a statutory or common law lien on a  
28 certificate does not invalidate the lien.

29 Sec. 15. (a) Except as otherwise provided in this section or  
30 section 28 of this chapter, a security interest in a vessel may be  
31 perfected only by delivery to the bureau of an application for a  
32 certificate of title that identifies the secured party and otherwise  
33 complies with section 7 of this chapter. The security interest is  
34 perfected on the later of delivery to the bureau of the application  
35 and the applicable fee or attachment of the security interest under  
36 IC 26-1-9.1-203.

37 (b) If the interest of a person named as owner, lessor, consignee,  
38 or bailor in an application for a certificate of title delivered to the  
39 bureau is a security interest, the application sufficiently identifies  
40 the person as a secured party. Identification on the application for  
41 a certificate of a person as owner, lessor, consignee, or bailor is not  
42 by itself a factor in determining whether the person's interest is a



1 security interest.

2 (c) If the bureau has created a certificate of title for a vessel, a  
3 security interest in the vessel may be perfected by delivery to the  
4 bureau of an application, on a form the bureau may require, to  
5 have the security interest added to the certificate. The application  
6 must be signed by an owner of the vessel or by the secured party  
7 and must include:

- 8 (1) the name of the owner of record;  
9 (2) the name and mailing address of the secured party;  
10 (3) the hull identification number for the vessel; and  
11 (4) if the bureau has created a written certificate of title for  
12 the vessel, the certificate.

13 (d) A security interest perfected under subsection (c) is  
14 perfected on the later of delivery to the bureau of the application  
15 and all applicable fees or attachment of the security interest under  
16 IC 26-1-9.1-203.

17 (e) On delivery of an application that complies with subsection  
18 (c) and payment of all applicable fees, the bureau shall create a  
19 new certificate of title pursuant to section 8 of this chapter and  
20 deliver the new certificate or a record evidencing an electronic  
21 certificate pursuant to section 12(a) of this chapter. The bureau  
22 shall maintain in the files of the bureau the date and time of  
23 delivery of the application to the bureau.

24 (f) If a secured party assigns a perfected security interest in a  
25 vessel, the receipt by the bureau of a statement providing the name  
26 of the assignee as secured party is not required to continue the  
27 perfected status of the security interest against creditors of and  
28 transferees from the original debtor. A purchaser of a vessel  
29 subject to a security interest which obtains a release from the  
30 secured party indicated in the files of the bureau or on the  
31 certificate takes free of the security interest and of the rights of a  
32 transferee unless the transfer is indicated in the files of the bureau  
33 or on the certificate.

34 (g) This section does not apply to a security interest:

- 35 (1) created in a vessel by a person during any period in which  
36 the vessel is inventory held for sale or lease by the person or  
37 is leased by the person as lessor if the person is in the business  
38 of selling vessels;  
39 (2) in a barge for which no application for a certificate of title  
40 has been delivered to the bureau; or  
41 (3) in a vessel before delivery if the vessel is under  
42 construction, or completed, pursuant to contract and for



1           which no application for a certificate has been delivered to the  
2           bureau.

3           **(h) This subsection applies if a certificate of documentation for**  
4 **a documented vessel is deleted or canceled. If a security interest in**  
5 **the vessel was valid immediately before deletion or cancellation**  
6 **against a third party as a result of compliance with 46 U.S.C.**  
7 **31321, the security interest is and remains perfected until the**  
8 **earlier of four (4) months after cancellation of the certificate or the**  
9 **time the security interest becomes perfected under this chapter.**

10          **(i) A security interest in a vessel arising under IC 26-1-2-401,**  
11 **IC 26-1-2-505, IC 26-1-2-711(3), or IC 26-1-2.1-508(5) is perfected**  
12 **when it attaches but becomes unperfected when the debtor obtains**  
13 **possession of the vessel, unless before the debtor obtains possession**  
14 **the security interest is perfected pursuant to subsection (a) or (c).**

15          **(j) A security interest in a vessel as proceeds of other collateral**  
16 **is perfected to the extent provided in IC 26-1-9.1-315.**

17          **(k) A security interest in a vessel perfected under the law of**  
18 **another jurisdiction is perfected to the extent provided in**  
19 **IC 26-1-9.1-316.**

20          **Sec. 16. (a) A secured party indicated in the files of the bureau**  
21 **as having a security interest in a vessel shall deliver a termination**  
22 **statement to the bureau and, on the debtor's request, to the debtor,**  
23 **by the earlier of:**

24           **(1) twenty (20) days after the secured party receives a signed**  
25 **demand from an owner for a termination statement and there**  
26 **is no obligation secured by the vessel subject to the security**  
27 **interest and no commitment to make an advance, incur an**  
28 **obligation, or otherwise give value secured by the vessel.**

29           **(2) if the vessel is consumer goods, thirty (30) days after there**  
30 **is no obligation secured by the vessel and no commitment to**  
31 **make an advance, incur an obligation, or otherwise give value**  
32 **secured by the vessel; or**

33          **(b) If a written certificate of title has been created and delivered**  
34 **to a secured party and a termination statement is required under**  
35 **subsection (a), the secured party, not later than the date required**  
36 **by subsection (a), shall deliver the certificate to the debtor or to the**  
37 **bureau with the statement. If the certificate is lost, stolen,**  
38 **mutilated, destroyed, or is otherwise unavailable or illegible, the**  
39 **secured party shall deliver with the statement, not later than the**  
40 **date required by subsection (a), an application for a replacement**  
41 **certificate meeting the requirements of section 22 of this chapter.**

42          **(c) On delivery to the bureau of a termination statement**





1 authorized by the secured party, the security interest to which the  
 2 statement relates ceases to be perfected. If the security interest to  
 3 which the statement relates was indicated on the certificate of title,  
 4 the bureau shall create a new certificate and deliver the new  
 5 certificate or a record evidencing an electronic certificate. The  
 6 bureau shall maintain in its files the date and time of delivery to  
 7 the bureau of the statement.

8 (d) A secured party that fails to comply with this section is liable  
 9 for any loss that the secured party had reason to know might result  
 10 from its failure to comply and that could not reasonably have been  
 11 prevented and for the cost of an application for a certificate of title  
 12 under section 7 or 22 of this chapter.

13 Sec. 17. (a) On voluntary transfer of an ownership interest in a  
 14 vessel covered by a certificate of title, the following rules apply:

15 (1) If the certificate is a written certificate of title and the  
 16 transferor's interest is noted on the certificate, the transferor  
 17 promptly shall sign the certificate and deliver it to the  
 18 transferee. If the transferor does not have possession of the  
 19 certificate, the person in possession of the certificate has a  
 20 duty to facilitate the transferor's compliance with this  
 21 subdivision. A secured party does not have a duty to facilitate  
 22 the transferor's compliance with this paragraph if the  
 23 proposed transfer is prohibited by the security agreement.

24 (2) If the certificate is an electronic certificate of title, the  
 25 transferor promptly shall sign and deliver to the transferee a  
 26 record evidencing the transfer of ownership to the transferee.

27 (3) The transferee has a right enforceable by specific  
 28 performance to require the transferor to comply with  
 29 subdivision (1) or (2).

30 (b) The creation of a certificate of title identifying the transferee  
 31 as owner of record satisfies subsection (a).

32 (c) A failure to comply with subsection (a) or to apply for a new  
 33 certificate of title does not render a transfer of ownership of a  
 34 vessel ineffective between the parties. Except as otherwise provided  
 35 in section 18, 19, 23(a), or 24 of this chapter, a transfer of  
 36 ownership without compliance with subsection (a) is not effective  
 37 against another person claiming an interest in the vessel.

38 (d) A transferor that complies with subsection (a) is not liable as  
 39 owner of the vessel for an event occurring after the transfer,  
 40 regardless of whether the transferee applies for a new certificate  
 41 of title.

42 Sec. 18. Except as otherwise provided in IC 26-1-9.1-337, a



1 certificate of title or other record required or authorized by this  
 2 chapter is effective even if it contains incorrect information or does  
 3 not contain required information.

4 **Sec. 19. (a) In this section, "secured party's transfer statement"**  
 5 **means a record signed by the secured party of record stating:**

6 (1) that there has been a default on an obligation secured by  
 7 the vessel;

8 (2) the secured party of record is exercising or has exercised  
 9 post default remedies with respect to the vessel;

10 (3) by reason of the exercise, the secured party of record has  
 11 the right to transfer the ownership interest of an owner, and  
 12 the name of the owner;

13 (4) the name and last known mailing address of the owner of  
 14 record and the secured party of record;

15 (5) the name of the transferee;

16 (6) other information required by section 7(b) of this chapter;  
 17 and

18 (7) one (1) of the following:

19 (A) the certificate of title is an electronic certificate;

20 (B) the secured party does not have possession of the  
 21 written certificate of title created in the name of the owner  
 22 of record; or

23 (C) the secured party is delivering the written certificate of  
 24 title to the bureau with the secured party's transfer  
 25 statement.

26 (b) Unless the bureau rejects a secured party's transfer  
 27 statement for a reason stated in section 8(c) of this chapter, not  
 28 later than twenty (20) days after delivery to the bureau of the  
 29 statement and payment of fees and taxes payable under the law of  
 30 this state other than this chapter in connection with the statement  
 31 or the acquisition or use of the vessel, the bureau shall:

32 (1) accept the statement;

33 (2) amend the files of the bureau to reflect the transfer; and

34 (3) if the name of the owner whose ownership interest is being  
 35 transferred is indicated on the certificate of title:

36 (A) cancel the certificate even if the certificate has not been  
 37 delivered to the bureau;

38 (B) create a new certificate indicating the transferee as  
 39 owner; and

40 (C) deliver the new certificate or a record evidencing an  
 41 electronic certificate.

42 (c) An application under subsection (a) or the creation of a



1 certificate of title under subsection (b) is not by itself a disposition  
 2 of the vessel and does not by itself relieve the secured party of its  
 3 duties under IC 26-1-9.1.

4 **Sec. 20. (a) In this section:**

5 (1) "By operation of law" means pursuant to a law or judicial  
 6 order affecting ownership of a vessel:

7 (A) because of death, divorce or other family law  
 8 proceeding, merger, consolidation, dissolution, or  
 9 bankruptcy;

10 (B) through the exercise of the rights of a lien creditor or  
 11 a person having a lien created by statute or rule of law; or

12 (C) through other legal process.

13 (2) "Transfer-by-law statement" means a record signed by a  
 14 transferee stating that by operation of law the transferee has  
 15 acquired or has the right to acquire an ownership interest in  
 16 a vessel.

17 **(b) A transfer-by-law statement must contain:**

18 (1) the name and last known mailing address of the owner of  
 19 record and the transferee and the other information required  
 20 by section 7(b) of this chapter;

21 (2) documentation sufficient to establish the transferee's  
 22 ownership interest or right to acquire the ownership interest;

23 (3) a statement that:

24 (A) the certificate of title is an electronic certificate of title;

25 (B) the transferee does not have possession of the written  
 26 certificate of title created in the name of the owner of  
 27 record; or

28 (C) the transferee is delivering the written certificate of  
 29 title to the bureau with the transfer-by-law statement; and

30 (4) except for a transfer described in subsection (a)(1)(A),  
 31 evidence that notification of the transfer and the intent to file  
 32 the transfer-by-law statement has been sent to all persons  
 33 indicated in the files of the bureau as having an interest,  
 34 including a security interest, in the vessel.

35 (c) Unless the bureau rejects a transfer-by-law statement for a  
 36 reason stated in section 8(c) of this chapter or because the  
 37 statement does not include documentation satisfactory to the  
 38 bureau as to the transferee's ownership interest or right to acquire  
 39 the ownership interest, not later than twenty (20) days after  
 40 delivery to the bureau of the statement and payment of fees and  
 41 taxes payable under the law of this state other than this chapter in  
 42 connection with the statement or with the acquisition or use of the



1 vessel, the bureau shall:

2 (1) accept the statement;

3 (2) amend the files of the bureau to reflect the transfer; and

4 (3) if the name of the owner whose ownership interest is being  
5 transferred is indicated on the certificate of title:

6 (A) cancel the certificate even if the certificate has not been  
7 delivered to the bureau;

8 (B) create a new certificate indicating the transferee as  
9 owner;

10 (C) indicate on the new certificate any security interest  
11 indicated on the canceled certificate, unless a court order  
12 provides otherwise; and

13 (D) deliver the new certificate or a record evidencing an  
14 electronic certificate.

15 (d) This section does not apply to a transfer of an interest in a  
16 vessel by a secured party under IC 26-1-9.1-601 through  
17 IC 26-1-9.1-628.

18 Sec. 21. (a) Except as otherwise provided in section 19 or 20 of  
19 this chapter, if the bureau receives, unaccompanied by a signed  
20 certificate of title, an application for a new certificate that includes  
21 an indication of a transfer of ownership or a termination  
22 statement, the bureau may create a new certificate under this  
23 section only if:

24 (1) all other requirements under sections 7 and 8 of this  
25 chapter are met;

26 (2) the applicant provides an affidavit stating facts showing  
27 the applicant is entitled to a transfer of ownership or  
28 termination statement;

29 (3) the applicant provides the bureau with satisfactory  
30 evidence that notification of the application has been sent to  
31 the owner of record and all persons indicated in the files of  
32 the bureau as having an interest, including a security interest,  
33 in the vessel, at least forty-five (45) days have passed since the  
34 notification was sent, and the bureau has not received an  
35 objection from any of those persons; and

36 (4) the applicant submits any other information required by  
37 the bureau as evidence of the applicant's ownership or right  
38 to terminate the security interest, and the bureau has no  
39 credible information indicating theft, fraud, or an undisclosed  
40 or unsatisfied security interest, lien, or other claim to an  
41 interest in the vessel.

42 (b) The bureau may indicate in a certificate of title created



1 under subsection (a) that the certificate was created without  
 2 submission of a signed certificate or termination statement. Unless  
 3 credible information indicating theft, fraud, or an undisclosed or  
 4 unsatisfied security interest, lien, or other claim to an interest in  
 5 the vessel is delivered to the bureau not later than one (1) year  
 6 after creation of the certificate, on request in a form and manner  
 7 required by the bureau, the bureau shall remove the indication  
 8 from the certificate.

9 Sec. 22. (a) If a written certificate of title is lost, stolen,  
 10 mutilated, destroyed, or otherwise becomes unavailable or illegible,  
 11 the secured party of record or, if no secured party is indicated in  
 12 the files of the bureau, the owner of record may apply for and, by  
 13 furnishing information satisfactory to the bureau, obtain a  
 14 replacement certificate in the name of the owner of record.

15 (b) An applicant for a replacement certificate of title must sign  
 16 the application, and, except as otherwise permitted by the bureau,  
 17 the application must comply with section 7 of this chapter. The  
 18 application must include the existing certificate unless the  
 19 certificate is lost, stolen, mutilated, destroyed, or otherwise  
 20 unavailable.

21 (c) A replacement certificate of title created by the bureau must  
 22 comply with section 9 of this chapter and indicate on the face of the  
 23 certificate that it is a replacement certificate.

24 (d) If a person receiving a replacement certificate of title  
 25 subsequently obtains possession of the original written certificate,  
 26 the person promptly shall destroy the original certificate of title.

27 Sec. 23. (a) A buyer in ordinary course of business has the  
 28 protections afforded by IC 26-1-2-403(2) and IC 26-1-9.1-320(a)  
 29 even if an existing certificate of title was not signed and delivered  
 30 to the buyer or a new certificate listing the buyer as owner of  
 31 record was not created.

32 (b) Except as otherwise provided in sections 17 and 24 of this  
 33 chapter, the rights of a purchaser of a vessel that is not a buyer in  
 34 the ordinary course of business or a lien creditor are governed by  
 35 the Uniform Commercial Code (IC 26-1).

36 Sec. 24. (a) Subject to subsection (b), the effect of perfection and  
 37 nonperfection of a security interest and the priority of a perfected  
 38 or unperfected security interest with respect to the rights of a  
 39 purchaser or creditor, including a lien creditor, are governed by  
 40 IC 26-1.

41 (b) If, while a security interest in a vessel is perfected by any  
 42 method under this chapter, the bureau creates a certificate of title



1 that does not indicate that the vessel is subject to the security  
2 interest or contain a statement that it may be subject to security  
3 interests not indicated on the certificate:

4 (1) a buyer of the vessel, other than a person in the business of  
5 selling or leasing vessels of that kind, takes free of the security  
6 interest if the buyer, acting in good faith and without  
7 knowledge of the security interest, gives value and receives  
8 possession of the vessel; and

9 (2) the security interest is subordinate to a conflicting security  
10 interest in the vessel that is perfected under section 15 of this  
11 chapter after creation of the certificate and without the  
12 conflicting secured party's knowledge of the security interest.

13 Sec. 25. (a) The bureau shall retain the evidence used to  
14 establish the accuracy of the information in its files relating to the  
15 current ownership of a vessel and the information on the certificate  
16 of title.

17 (b) The bureau shall retain in its files all information regarding  
18 a security interest in a vessel for at least ten (10) years after the  
19 bureau receives a termination statement regarding the security  
20 interest. The information must be accessible by the hull  
21 identification number for the vessel and any other methods  
22 provided by the bureau.

23 (c) If a person submits a record to the bureau, or submits  
24 information that is accepted by the bureau, and requests an  
25 acknowledgment of the filing or submission, the bureau shall send  
26 to the person an acknowledgment showing the hull identification  
27 number of the vessel to which the record or submission relates, the  
28 information in the filed record or submission, and the date and  
29 time the record was received or the submission accepted. A request  
30 under this section must contain the hull identification number and  
31 be delivered by means authorized by the bureau.

32 (d) The bureau shall send or otherwise make available in a  
33 record the following information to any person that requests it and  
34 pays the applicable fee:

35 (1) whether the files of the bureau indicate, as of a date and  
36 time specified by the bureau, but not a date earlier than three  
37 (3) days before the bureau received the request, any  
38 certificate of title, security interest, termination statement, or  
39 title brand that relates to a vessel:

40 (A) identified by a hull identification number designated in  
41 the request;

42 (B) identified by a vessel number designated in the request;



- 1                   or
- 2                   (C) owned by a person designated in the request;
- 3           (2) with respect to the vessel:
- 4                   (A) the name and address of any owner as indicated in the
- 5                   files of the bureau or on the certificate of title;
- 6                   (B) the name and address of any secured party as indicated
- 7                   in the files of the bureau or on the certificate of title, and
- 8                   the effective date of the information; and
- 9                   (C) a copy of any termination statement indicated in the
- 10                  files of the bureau and the effective date of the termination
- 11                  statement; and
- 12           (3) with respect to the vessel, a copy of any certificate of
- 13                  origin, secured party transfer statement, transfer-by-law
- 14                  statement under section 20 of this chapter, and other evidence
- 15                  of previous or current transfers of ownership.
- 16           (e) In responding to a request under this section, the bureau
- 17                  may provide the requested information in any medium. On
- 18                  request, the bureau shall send the requested information in a
- 19                  record that is self-authenticating under Rule 902 of the Federal
- 20                  Rules of Evidence.
- 21           Sec. 26. In applying and construing this uniform act,
- 22                  consideration must be given to the need to promote uniformity of
- 23                  the law with respect to its subject matter among states that enact
- 24                  it.
- 25           Sec. 27. This chapter modifies, limits, and supersedes the federal
- 26                  Electronic Signatures in Global and National Commerce Act, 15
- 27                  U.S.C. 7001, et seq., but does not modify, limit, or supersede
- 28                  Section 101(c) of that act, 15 U.S.C. 7001(c), or authorize electronic
- 29                  delivery of any of the notices described in Section 103(b) of that
- 30                  act, 15 U.S.C. 7003(b).
- 31           Sec. 28. (a) The rights, duties, and interests flowing from a
- 32                  transaction, certificate of title, or record relating to a vessel that
- 33                  was validly entered into or created before July 1, 2014, and would
- 34                  be subject to this chapter if it had been entered into or created on
- 35                  or after July 1, 2014, remain valid on and after July 1, 2014.
- 36                  (b) This chapter does not affect an action or proceeding
- 37                  commenced before July 1, 2014.
- 38                  (c) Except as otherwise provided in subsection (d), a security
- 39                  interest that is enforceable immediately before July 1, 2014, and
- 40                  would have priority over the rights of a person that becomes a lien
- 41                  creditor at that time is a perfected security interest under this
- 42                  chapter.



1 (d) A security interest perfected immediately before July 1,  
2 2014, remains perfected until the earlier of:

3 (1) the time perfection would have ceased under the law under  
4 which the security interest was perfected; or

5 (2) three (3) years after July 1, 2014.

6 (e) This chapter does not affect the priority of a security interest  
7 in a vessel if immediately before July 1, 2014, the security interest  
8 is enforceable and perfected, and that priority is established.

9 SECTION 8. IC 9-31-3-8, AS AMENDED BY P.L.262-2013,  
10 SECTION 128, IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2014]: Sec. 8. The owner of a motorboat that is  
12 required to be registered and numbered by Indiana shall request to  
13 register the motorboat with the bureau. At the time of filing the request,  
14 the requesting party must provide proof of ownership and a hull  
15 identification number to the bureau. If there is not a manufacturer's hull  
16 identification number for the motorboat, the bureau shall assign a hull  
17 identification number at the time of registration in the same manner as  
18 a hull identification number is assigned under ~~IC 9-31-2-8.~~  
19 **IC 9-31-2.1.** The fee prescribed under IC 9-29-15-2 shall be paid to the  
20 bureau for assigning a hull identification number. For purposes of  
21 registering a motorboat or obtaining a hull identification number to  
22 register a motorboat, ownership may be established by any one (1) of  
23 the following:

24 (1) A manufacturer's or importer's certificate.

25 (2) A sworn statement of ownership as prescribed by the bureau.  
26 An affidavit executed, under penalties for perjury, by the person  
27 filing the application shall be accepted as proof of ownership for  
28 any motorboat or sailboat that:

29 (A) is a Class 5 or lower motorboat under IC 6-6-11-11 (the  
30 boat excise tax) and the motorboat is not titled under  
31 ~~IC 9-31-2;~~ **IC 9-31-2.1;** or

32 (B) is propelled by an internal combustion, steam, or electrical  
33 inboard or outboard motor or engine or by any mechanical  
34 means, including sailboats that are equipped with such a motor  
35 or engine when the sailboat is in operation whether or not the  
36 sails are hoisted, if:

37 (i) the motorboat was made by an individual for the use of  
38 the individual and not for resale; and

39 (ii) the motorboat is not titled under ~~IC 9-31-2.~~ **IC 9-31-2.1.**

40 (3) A certificate of title or bill of sale.

41 (4) Other evidence of ownership required by the law of another  
42 state from which the motorboat is brought into Indiana.





1 SECTION 9. IC 32-17-13-1, AS AMENDED BY P.L.125-2012,  
 2 SECTION 408, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) As used in this chapter,  
 4 "nonprobate transfer" means a valid transfer, effective at death, by a  
 5 transferor:

- 6 (1) whose last domicile was in Indiana; and  
 7 (2) who immediately before death had the power, acting alone, to  
 8 prevent transfer of the property by revocation or withdrawal and:  
 9 (A) use the property for the benefit of the transferor; or  
 10 (B) apply the property to discharge claims against the  
 11 transferor's probate estate.

12 (b) The term does not include a transfer at death (other than a  
 13 transfer to or from the decedent's probate estate) of:

- 14 (1) a survivorship interest in a tenancy by the entireties real  
 15 estate;  
 16 (2) a life insurance policy or annuity;  
 17 (3) the death proceeds of a life insurance policy or annuity;  
 18 (4) an individual retirement account or a similar account or plan;  
 19 or  
 20 (5) benefits under an employee benefit plan.

21 (c) With respect to a nonprobate transfer involving a multiple party  
 22 account, a nonprobate transfer occurs if the last domicile of the  
 23 depositor whose interest is transferred under IC 32-17-11 was in  
 24 Indiana.

25 (d) With respect to a motor vehicle or a watercraft, a nonprobate  
 26 transfer occurs if the transferee obtains a certificate of title in Indiana  
 27 for:

- 28 (1) the motor vehicle under IC 9-17-2-2(b); or  
 29 (2) the watercraft as required by ~~IC 9-31-2-16(a)~~. **IC 9-31-2.1-20.**

30 (e) A transfer on death transfer completed under IC 32-17-14 is a  
 31 nonprobate transfer.

32 SECTION 10. IC 32-17-14-2, AS AMENDED BY P.L.6-2010,  
 33 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2014]: Sec. 2. (a) Except as provided elsewhere in this  
 35 chapter, this chapter applies to a transfer on death security, transfer on  
 36 death securities account, and pay on death account created before July  
 37 1, 2009, unless the application of this chapter would:

- 38 (1) adversely affect a right given to an owner or beneficiary;  
 39 (2) give a right to any owner or beneficiary that the owner or  
 40 beneficiary was not intended to have when the transfer on death  
 41 security, transfer on death securities account, or pay on death  
 42 account was created;



1 (3) impose a duty or liability on any person that was not intended  
 2 to be imposed when the transfer on death security, transfer on  
 3 death securities account, or pay on death account was created; or

4 (4) relieve any person from any duty or liability imposed:

5 (A) by the terms of the transfer on death security, transfer on  
 6 death securities account, or pay on death account; or

7 (B) under prior law.

8 (b) Subject to section 32 of this chapter, this chapter applies to a  
 9 transfer on death transfer if at the time the owner designated the  
 10 beneficiary:

11 (1) the owner was a resident of Indiana;

12 (2) the property subject to the beneficiary designation was  
 13 situated in Indiana;

14 (3) the obligation to pay or deliver arose in Indiana;

15 (4) the transferring entity was a resident of Indiana or had a place  
 16 of business in Indiana; or

17 (5) the transferring entity's obligation to make the transfer was  
 18 accepted in Indiana.

19 (c) This chapter does not apply to property, money, or benefits paid  
 20 or transferred at death under a life or accidental death insurance policy,  
 21 annuity, contract, plan, or other product sold or issued by a life  
 22 insurance company unless the provisions of this chapter are  
 23 incorporated into the policy or beneficiary designation in whole or in  
 24 part by express reference.

25 (d) This chapter does not apply to a transfer on death transfer if the  
 26 beneficiary designation or an applicable law expressly provides that  
 27 this chapter does not apply to the transfer.

28 (e) Subject to IC 9-17-3-9(h), ~~and IC 9-31-2-30(h)~~; this chapter  
 29 applies to a beneficiary designation for the transfer on death of a motor  
 30 vehicle or a watercraft. **However, a particular provision of this**  
 31 **chapter does not apply if that provision is inconsistent with the**  
 32 **requirements of IC 9-31-2.1-20 or IC 9-31-2.1-21.**

33 (f) The provisions of:

34 (1) section 22 of this chapter; and

35 (2) section 26(b)(9) of this chapter;

36 relating to distributions to lineal descendants per stirpes apply to a  
 37 transfer on death or payable on death transfer created before July 1,  
 38 2009.

39 SECTION 11. IC 32-34-10-6 IS AMENDED TO READ AS  
 40 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. The affidavit of sale  
 41 under this chapter constitutes proof of ownership and right to  
 42 possession under ~~IC 9-31-2-16~~. **IC 9-31-2.1-20 or IC 9-31-2.1-21.**



1 SECTION 12. IC 35-51-9-1, AS AMENDED BY P.L.262-2013,  
 2 SECTION 143, IS AMENDED TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2014]: Sec. 1. The following statutes define  
 4 crimes in IC 9:

5 IC 9-14-3.5-15 (Concerning bureau of motor vehicles).

6 IC 9-14-5-9 (Concerning parking placards for persons with  
 7 physical disabilities).

8 IC 9-17-2-15 (Concerning certificates of title).

9 IC 9-17-2-16 (Concerning certificates of title).

10 IC 9-17-3-3.2 (Concerning certificates of title).

11 IC 9-17-3-7 (Concerning certificates of title).

12 IC 9-17-4-14 (Concerning special identification numbers).

13 IC 9-17-4-15 (Concerning special identification numbers).

14 IC 9-17-4-16 (Concerning special identification numbers).

15 IC 9-17-4-17 (Concerning identification numbers).

16 IC 9-17-4-18 (Concerning identification numbers).

17 IC 9-18-2-42 (Concerning motor vehicle registration and license  
 18 plates).

19 IC 9-18-2-44 (Concerning motor vehicle registration and license  
 20 plates).

21 IC 9-18-2-45 (Concerning motor vehicle registration and license  
 22 plates).

23 IC 9-18-2.5-16 (Concerning off-road vehicles and snowmobiles).

24 IC 9-18-4-8 (Concerning motor vehicle registration and license  
 25 plates).

26 IC 9-18-13-9 (Concerning motor vehicle registration and license  
 27 plates).

28 IC 9-18-22-6 (Concerning motor vehicle registration and license  
 29 plates).

30 IC 9-19-9-5 (Concerning motor vehicle equipment).

31 IC 9-19-10.5-4 (Concerning motor vehicle equipment).

32 IC 9-19-10.5-5 (Concerning motor vehicle equipment).

33 IC 9-20-18-4 (Concerning motor vehicle size and weight  
 34 regulation).

35 IC 9-21-5-13 (Concerning traffic regulation).

36 IC 9-21-6-3 (Concerning traffic regulation).

37 IC 9-21-8-50 (Concerning traffic regulation).

38 IC 9-21-8-52 (Concerning traffic regulation).

39 IC 9-21-8-55 (Concerning traffic regulation).

40 IC 9-21-8-56 (Concerning traffic regulation).

41 IC 9-21-8-58 (Concerning traffic regulation).

42 IC 9-21-12-9 (Concerning traffic regulation).



- 1 IC 9-21-12-11 (Concerning traffic regulation).  
 2 IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap  
 3 vehicles).  
 4 IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap  
 5 vehicles).  
 6 IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap  
 7 vehicles).  
 8 IC 9-22-5-18.2 (Concerning buying a motor vehicle without a  
 9 certificate of title).  
 10 IC 9-22-5-19 (Concerning scrapping and dismantling vehicles).  
 11 IC 9-22-6-3 (Concerning mechanic's liens for vehicles).  
 12 IC 9-24-1-8 (Concerning driver's licenses).  
 13 IC 9-24-6-16 (Concerning driver's licenses).  
 14 IC 9-24-6-17 (Concerning driver's licenses).  
 15 IC 9-24-11-8 (Concerning driver's licenses).  
 16 IC 9-24-15-11 (Concerning driver's licenses).  
 17 IC 9-24-16-12 (Concerning driver's licenses).  
 18 IC 9-24-16-13 (Concerning driver's licenses).  
 19 IC 9-24-18-1 (Concerning driver's licenses).  
 20 IC 9-24-18-2 (Concerning driver's licenses).  
 21 IC 9-24-18-7 (Concerning driver's licenses).  
 22 IC 9-24-19-2 (Concerning driver's licenses).  
 23 IC 9-24-19-3 (Concerning driver's licenses).  
 24 IC 9-24-19-4 (Concerning driver's licenses).  
 25 IC 9-25-6-18 (Concerning financial responsibility).  
 26 IC 9-25-8-2 (Concerning financial responsibility).  
 27 IC 9-26-1-8 (Concerning accidents and accident reports).  
 28 IC 9-26-1-9 (Concerning accidents and accident reports).  
 29 IC 9-26-6-4 (Concerning accidents and accident reports).  
 30 IC 9-30-4-7 (Concerning licenses and registrations).  
 31 IC 9-30-4-8 (Concerning licenses and registrations).  
 32 IC 9-30-4-13 (Concerning licenses and registrations).  
 33 IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).  
 34 IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).  
 35 IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).  
 36 IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).  
 37 IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).  
 38 IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).  
 39 IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).  
 40 IC 9-30-6-8.7 (Concerning implied consent).  
 41 IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).  
 42 IC 9-30-10-16 (Concerning habitual violator of traffic laws).



- 1 IC 9-30-10-17 (Concerning habitual violator of traffic laws).
- 2 IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
- 3 ~~IC 9-31-2-26 (Concerning watercraft titling and registration):~~
- 4 ~~IC 9-31-2-27 (Concerning watercraft titling and registration):~~
- 5 ~~IC 9-31-2-28 (Concerning watercraft titling and registration):~~
- 6 IC 9-32-17-2 (Concerning certificates of title).
- 7 IC 9-32-17-3 (Concerning dealer license plates).
- 8 IC 9-32-17-4 (Concerning licensing of vehicle salvaging).
- 9 IC 9-32-17-5 (Concerning regulation of vehicle merchandising).
- 10 IC 9-32-17-6 (Concerning unfair practices by dealers).

