

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 293

AN ACT to amend the Indiana Code concerning motor vehicles.

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

SECTION 1. IC 9-13-2-45, AS AMENDED BY P.L.174-2016, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 45. "Distributor" means a person, other than a manufacturer, that is engaged in the business of selling **new** motor vehicles to dealers located in Indiana. The term includes a distributor's branch office. The term does not include a recreational vehicle manufacturer.

SECTION 2. IC 9-13-2-95, AS AMENDED BY P.L.198-2016, SECTION 127, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 95. (a) "Major component parts" means those parts of vehicles normally having a manufacturer's vehicle identification number, a derivative of the identification number, or a number supplied by an authorized governmental agency, including doors, fenders, differentials, frames, transmissions, engines, doghouses (front assembly), rear clips, and additional parts as prescribed by the bureau.

(b) "Major component parts", for purposes of IC 9-32, includes a catalytic converter.

SECTION 3. IC 9-32-2-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16.5. (a) "Manufactured home dealer" means any person that within a twelve (12) month period sells, offers to sell,

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or advertises for sale, including directly by the Internet or another computer network, at least three (3) new or used manufactured homes.

(b) The term does not include:

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

(2) a public officer while performing official duties.

SECTION 4. IC 9-32-2-18.3, AS ADDED BY P.L.120-2020, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18.3. "New motor vehicle dealer" means any person that within a twelve (12) month period sells, offers to sell, or advertises for sale, including directly by the Internet or another computer network, at least

~~(1) twelve (12) new motor vehicles (excluding manufactured homes).~~ **or**

~~(2) three (3) new manufactured homes.~~

SECTION 5. IC 9-32-2-26.6, AS ADDED BY P.L.120-2020, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 26.6. (a) "Used motor vehicle dealer" means any person that within a twelve (12) month period sells, offers to sell, or advertises for sale, including directly by the Internet or another computer network, at least

~~(1) twelve (12) used motor vehicles (excluding manufactured homes).~~ **or**

~~(2) three (3) used manufactured homes.~~

(b) The term does not include the following:

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

(2) A public officer while performing official duties.

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

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

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

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

SECTION 6. IC 9-32-6-11, AS AMENDED BY P.L.120-2020, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11. (a) The secretary may issue an interim license plate to the following persons licensed under this article:

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- (1) An automobile auction company.
- (2) A converter manufacturer.
- (3) A new motor vehicle dealer.
- ~~(4) A distributor.~~
- ~~(5)~~ (4) A watercraft dealer.
- ~~(6)~~ (5) A manufacturer.
- ~~(7)~~ (6) A used motor vehicle dealer.

(b) The secretary shall prescribe the form of an interim license plate issued under this section. An interim license plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) A dealer may provide a person with not more than one (1) interim license plate issued by the secretary at the time the dealer:

- (1) sells or leases a motor vehicle to the person; or
- (2) allows a person that buys a motor vehicle to take delivery of the motor vehicle before the sale of the motor vehicle is fully funded;

whichever occurs first. The dealer shall, in the manner provided by the secretary, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a person to operate the motor vehicle until the earlier of the following dates:

- (1) Forty-five (45) days after the date of sale or lease of the motor vehicle to the person.
- (2) The date on which a regular license plate is issued.

A person that violates this subsection commits a Class A infraction.

(e) A motor vehicle that is required by law to display license plates on the front and rear of the motor vehicle is required to display only a single interim license plate.

(f) An interim license plate shall be displayed:

- (1) in the same manner required in IC 9-18-2-26 (before its expiration) or IC 9-18.1-4-3; or
- (2) in a location on the left side of a window facing the rear of the motor vehicle that is clearly visible and unobstructed. The plate must be affixed to the window of the motor vehicle.

(g) The dealer must provide an ownership document to the person at the time of issuance of the interim license plate that must be kept in the motor vehicle during the period an interim license plate is used.

(h) All interim license plates not issued by the dealer must be retained in the possession of the dealer at all times.

(i) The fee for an interim dealer license plate is three dollars (\$3). The fee shall be distributed as follows:

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

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

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

(j) The secretary may issue an interim license plate to a person that purchases a motor vehicle from a dealer if the dealer has not timely delivered or transmitted the certificate of title for the motor vehicle under IC 9-32-4-1.

(k) The secretary may design and issue to a dealer a motor driven cycle decal to be used in conjunction with an interim license plate upon the sale of a motor driven cycle.

(l) A new motor vehicle dealer may issue an interim license plate for use on a new motor vehicle that the new motor vehicle dealer delivers to a purchaser on behalf of a manufacturer or another new motor vehicle dealer if:

(1) there is a written courtesy agreement between the new motor vehicle dealer delivering the motor vehicle and the new motor vehicle dealer or manufacturer that sold the motor vehicle being delivered; and

(2) the new motor vehicle is transported directly from the manufacturer to the new motor vehicle dealer delivering the new motor vehicle to the purchaser.

A person that violates this subsection commits a Class C infraction.

(m) A person that fails to display an interim license plate as prescribed in subsection (f)(1) or (f)(2) commits a Class C infraction.

SECTION 7. IC 9-32-6-16, AS AMENDED BY P.L.182-2021, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) Except as provided in subsection (b), if a license plate or registration card issued under this article or under IC 9-31-3-19 (before its repeal) is lost, stolen, or destroyed, the dealer or transport operator may apply for a replacement license plate or registration card in the form and manner prescribed by the secretary.

(b) If a license plate is ~~lost or~~ stolen, the secretary may not issue a replacement license plate until the dealer or transport operator to whom the license plate was issued:

(1) has notified:

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

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



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

SECTION 8. IC 9-32-8.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 8.5. Manufactured Home Dealers

Sec. 1. (a) To apply for a license under this article, a manufactured home dealer must submit an application to the secretary. An application for a license must:

- (1) meet the requirements under IC 9-32-11-2; and**
- (2) be accompanied by payment of the fee under subsection (d).**

(b) An application for a license as a manufactured home dealer must show whether the applicant dealer is a manufactured home community or a nonresidential sales lot.

(c) If the applicant dealer is a manufactured home community, the application must contain the following:

- (1) The name and contact information of the park operator.**
- (2) A copy of the license issued by the state department of health.**

(d) The fee for a license for a manufactured home dealer is thirty dollars (\$30). The fee is nonrefundable and shall be retained by the secretary.

Sec. 2. (a) Except as provided in subsections (b) and (c), an application for a manufactured home dealer license must include the zoning affidavit required by IC 9-32-11-2(d).

(b) If the manufactured home dealer:

- (1) has established a place of business that is a manufactured home community;**
- (2) operates the manufactured home community; and**
- (3) is selling or will be selling only manufactured homes that:**
 - (A) are already located within the manufactured home community; or**
 - (B) will be installed within the manufactured home community;**

the application must be accompanied by an affidavit under subsection (c).

(c) An affidavit submitted by a manufactured home dealer under subsection (b) must affirm under penalty of perjury that:

- (1) a zoning affidavit or statement is not required under subsection (b); and**



(2) the applicant intends to sell only manufactured homes to buyers that purchase manufactured homes with the intent for the manufactured home to:

(A) remain within the manufactured home community; or

(B) be installed within the manufactured home community.

(d) If the secretary receives a written complaint from the person charged with enforcing a zoning ordinance, if one exists, or the zoning enforcement officer under IC 36-7-4, that a manufactured home dealer who is licensed under subsection (b) or (c) is operating in violation of a zoning affidavit required under IC 9-32-11-2(d), the secretary shall delay the issuance or renewal of the manufactured home dealer's license until the local zoning complaint has been satisfied.

Sec. 3. (a) If the manufactured home dealer's established place of business is a nonresidential sales lot, it must meet the requirements for new or used motor vehicle dealers as prescribed by the secretary under rules adopted under IC 4-22-2.

(b) If the manufactured home dealer's established place of business is a manufactured home community, it must meet location standards required by the state department of health.

SECTION 9. IC 9-32-9-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14.5. (a) An automotive salvage recycler who is purchasing a detached catalytic converter valued at less than twenty-five dollars (\$25) may remit payment in cash. An automotive salvage recycler may not purchase more than one (1) detached catalytic converter for cash per seller per day under this subsection.

(b) An automated salvage recycler who is purchasing a detached catalytic converter that is valued at twenty-five dollars (\$25) or more:

(1) must remit payment by check issued and made payable to the seller; and

(2) must not cash a check issued under subdivision (1), or use an automated teller machine or other cash card system in lieu of a check.

(c) For each detached catalytic converter purchase by an automotive recycler under subsection (b), the automotive salvage recycler shall keep all records required by IC 25-37.5-1-2.

(d) Records required to be maintained under this section may be maintained in any form of data storage acceptable to the secretary if the records are readily accessible and available to copy



by an investigating or auditing employee of the secretary upon demand at the established place of business.

(e) An automotive salvage recycler licensed under this article that knowingly or intentionally fails to maintain the records required by this section commits a Class A infraction.

SECTION 10. IC 9-32-9-15, AS AMENDED BY P.L.284-2019, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 15. (a) The secretary shall prescribe record keeping forms to be used by an automotive salvage recycler to preserve information about vehicles or major component parts acquired or sold by the business.

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

- (1) A description of the vehicle, including numbers or other marks identifying the vehicle.
- (2) The date the vehicle was acquired.
- (3) The name and address of the person from whom the vehicle was acquired.
- (4) The vehicle's trade name.
- (5) The vehicle's manufacturer.
- (6) The vehicle's type.
- (7) The model year.
- (8) The vehicle identification number.
- (9) A statement of whether any number has been defaced, destroyed, or changed.

(c) For each vehicle sold or disposed of by the automotive salvage recycler, the record keeping forms required under subsection (a) must contain the following information:

- (1) A description of the vehicle, including numbers or other marks identifying the vehicle.
- (2) The date the vehicle was disposed of.
- (3) The way in which the vehicle was disposed of.
- (4) The vehicle's trade name.
- (5) The vehicle's manufacturer.
- (6) The vehicle's type.
- (7) The model year.
- (8) The vehicle identification number.
- (9) Verification of the purchaser of the vehicle by confirming the purchaser's identity by a driver's license, a state issued identification card, or other reliable means.
- (10) For wrecked, dismantled, or rebuilt vehicles, the date the



vehicle was wrecked, dismantled, or rebuilt.

(d) **Except as provided in section 14.5 of this chapter**, for each major component part acquired by the automotive salvage recycler, the record keeping forms required under subsection (a) must contain the following information:

- (1) A description of the major component part, including numbers or other marks identifying the major component part.
- (2) The date the major component part was acquired.
- (3) The name and address of the person from whom the major component part was acquired.
- (4) The vehicle identification number, if present on the major component part.
- (5) A statement of whether any number on the major component part has been defaced, destroyed, or changed.

(e) **Except as provided in section 14.5 of this chapter**, for each major component part sold or disposed of by the automotive salvage recycler, the record keeping forms required under subsection (a) must contain the following information:

- (1) A description of the major component part, including numbers or other marks identifying the major component part.
- (2) The date the major component part was sold or disposed of.
- (3) The way in which the major component part was disposed of.
- (4) The vehicle identification number, if present on the major component part. If the vehicle identification number is not present on the major component part, the vehicle identification number from the source vehicle, if known.
- (5) Verification of the purchaser of the major component part by confirming the purchaser's identity by a driver's license, a state issued identification card, or other reliable means.

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

(g) **Except as provided in section 14.5 of this chapter**, the record keeping requirements of this section do not apply to hulk crushers or to scrap metal processors when purchasing scrap from a person that is licensed under this article and that is required to keep records under this section.

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

- (1) maintain records regarding salvage vehicles or major component parts acquired or sold by the business; or
- (2) maintain records regarding salvage vehicles or major component parts on forms that comply with this section;



commits a Class A infraction.

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

SECTION 11. IC 9-32-11-2, AS AMENDED BY P.L.120-2020, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) An application for a license under this article must:

- (1) be accompanied by payment of the applicable fee required under this section;
- (2) be on a form prescribed by the secretary;
- (3) contain the information the secretary considers necessary to enable the secretary to determine fully:
 - (A) the qualifications and eligibility of the applicant to receive the license; and
 - (B) the ability of the applicant to conduct properly the business for which the application is submitted;
- (4) contain evidence of a bond required in subsection (e);
- (5) contain evidence of liability coverage required by section 14 of this chapter;
- (6) contain the federal tax identification number issued to the dealer; and
- (7) contain the registered retail merchant's certificate issued to the dealer under IC 6-2.5-8.

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

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

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

- (1) the person charged with enforcing a zoning ordinance, if one exists; or
- (2) the zoning enforcement officer under IC 36-7-4;

who has jurisdiction over the real property where the applicant wants to operate as a dealer. The affidavit must state that the proposed location is zoned for the operation of a dealer's establishment.

(e) ~~Except as provided in subsections (h) and (i)~~; If there is no person or officer under subsection (d)(1) or (d)(2), the application must be accompanied by a statement to that effect from the executive (as



defined in IC 36-1-2-5) of the unit in which the real property is located.

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

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

(h) If:

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

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

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

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

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

the application must be accompanied by an affidavit under subsection (i):

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

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

(2) the applicant intends to sell only manufactured homes to buyers that purchase manufactured homes with the intent for the manufactured home to:

(A) remain within the manufactured home community; or

(B) be installed within the manufactured home community.

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

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

(1) be in favor of the state;

(2) secure payment of fines, penalties, costs, and fees assessed by the secretary after:



- (A) notice;
 - (B) opportunity for a hearing; and
 - (C) opportunity for judicial review; and
- (3) secure the payment of damages to a person aggrieved by a violation of this article by the licensee after a judgment has been issued.

~~(h)~~ (i) Service under this chapter shall be made in accordance with the Indiana Rules of Trial Procedure.

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

~~(n)~~ (k) The fee for a license for a used motor vehicle dealer, new motor vehicle dealer, or automobile auction company is thirty dollars (\$30).

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

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

SECTION 12. IC 9-32-11-6, AS AMENDED BY P.L.284-2019, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) A license issued to a dealer under this article:

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

(b) If a dealer's:

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

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

~~(c) If a dealer requests a change to information appearing on the dealer's printed dealer license, the dealer shall remit a fee of five dollars (\$5) with the notification and submit any additional information necessary to obtain an amended dealer license. The fee is nonrefundable, and the secretary shall retain the fee.~~

~~(d)~~ (c) A dealer that uses the Internet or another computer network to facilitate the sale of motor vehicles as set forth in section 2(c) of this chapter shall notify the secretary not later than ten (10) days after any



change in a name, address, or telephone number documented in business records located outside Indiana that have been created in transactions made in Indiana by the dealer. ~~A report made under this subsection is not subject to the fee under subsection (c).~~

~~(e)~~ **(d)** Except as provided in subsection ~~(f)~~; **(e)**, an application requesting a change to the address for the dealer's established place of business must be accompanied by an affidavit stating that the proposed location is zoned for the operation of a dealer's establishment from:

- (1) the person charged with enforcing a zoning ordinance described in this subsection; or
- (2) the zoning enforcement officer under IC 36-7-4;

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

~~(f)~~ **(e)** If there is no person or officer under subsection ~~(e)(1) or (e)(2)~~; **(d)(1) or (d)(2)**, the application must be accompanied by a statement to that effect from the executive (as defined in IC 36-1-2-5) of the unit in which the real property is located.

~~(g)~~ **(f)** The secretary may not approve a change of location until the dealer provides the affidavit or the statement.

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

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

SECTION 13. IC 9-32-11-11, AS AMENDED BY P.L.120-2020, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 11. (a) Except as otherwise provided, the secretary shall issue an offsite sales permit to a dealer licensed under this article who submits an application for the permit not later than ten (10) business days or two (2) calendar weeks before the offsite sale date. Permit applications under this section shall be made public upon the request of any person.

(b) The secretary may not issue an offsite sales permit to the following:

- (1) Except as provided in subsection (c), an applicant dealer proposing to conduct a sale outside a radius of twenty (20) miles from the applicant dealer's established place of business.
- (2) An applicant dealer that has held more than three (3) nonconsecutive offsite sales in the year ending on the date of the



offsite sale for which the permit application is being submitted.

(3) An applicant dealer that is proposing to conduct an offsite sale for more than ten (10) calendar days.

(4) An applicant dealer that has failed:

(A) to pay the applicable fee; or

(B) file an affidavit or statement;

under this section.

(5) A transfer dealer.

(6) An automotive salvage recycler.

(c) The following may conduct an offsite sale with an offsite sales permit outside a radius of twenty (20) miles from the entity's established place of business:

(1) A new manufactured home dealer.

(2) A recreational vehicle dealer.

(3) A rental company that is a dealer conducting a sale at a site within twenty (20) miles of any of its company owned affiliates.

(4) An off-road vehicle dealer.

(5) An applicant dealer that is selling only motor vehicles classified as classic, collector, or antique under rules adopted under section 18(a)(2)(B) of this chapter.

(d) An application for an offsite sales permit must include an affidavit stating that the proposed location is zoned for the operation of the dealer's offsite sale from:

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

(2) the zoning enforcement officer under IC 36-7-4;

who has jurisdiction over the real property where the dealer wants to conduct an offsite sale.

(e) If there is no person or officer under subsection (d)(1) or (d)(2), the application must be accompanied by a statement of authorization from the executive (as defined in IC 36-1-2-5) of the unit in which the real property is located.

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

(g) Section 2(c) of this chapter does not apply to the application or issuance of an offsite sales permit under this section.

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

(i) A dealer may not hold an offsite sale unless it has been at



least thirty (30) days since the final day of the dealer's last offsite sale.

SECTION 14. IC 9-32-11-14, AS AMENDED BY P.L.174-2016, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 14. ~~(a)~~ At the time of each license application and upon request of the secretary, a person licensed under this article shall furnish evidence that the person:

- (1) has ~~liability insurance~~ or garage liability insurance **of at least five hundred thousand dollars (\$500,000)** covering the person's **established** place of business; or
- (2) is a member of a risk retention group that is regulated by the Indiana department of insurance; or
- (3) has a liability insurance policy or garage liability policy covering the person's established place of business with limits of at least the following:**

~~(b)~~ A policy described in subsection ~~(a)(1)~~ must have limits of at least the following:

- ~~(1)~~ **(A)** One hundred thousand dollars (\$100,000) for bodily injury to one (1) person.
- ~~(2)~~ **(B)** Three hundred thousand dollars (\$300,000) for bodily injury for each accident.
- ~~(3)~~ **(C)** Fifty thousand dollars (\$50,000) for property damage.

The minimum amounts required by this ~~subsection~~ **section** must be maintained during the time the license is valid.

SECTION 15. IC 9-32-13-6, AS AMENDED BY P.L.174-2016, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. **(a) For purposes of this section, "salvage vehicle" has the meaning set forth in IC 9-13-2-160(2).**

(b) It is an unfair practice for a dealer to sell, exchange, or transfer a rebuilt **or salvage** vehicle without disclosing in writing to the purchaser, customer, or transferee the fact that the motor vehicle is a rebuilt **or salvage** vehicle if the dealer knows or should reasonably know before consummating the sale, exchange, or transfer that the motor vehicle is a rebuilt **or salvage** vehicle.

SECTION 16. IC 9-32-16-11, AS AMENDED BY P.L.182-2021, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 11. (a) All dealers and transport operators operating as a:

- (1) corporation;
- (2) limited liability company;
- (3) limited partnership; or
- (4) limited liability partnership;

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

(b) The dealer must, for the entire licensing period, have an established place of business with a physical Indiana address. The dealer may not have a mailing address that differs from the actual location of the business. At the discretion of the secretary, an exemption **for the mailing address** may be granted for:

(1) dealers with an established place of business in a location not serviced by the United States Postal Service to allow a post office box to be used as a mailing address. A dealer using a post office box for this reason must notify the division in writing with the dealer's application; **or**

(2) **a manufactured home dealer.**

(c) Before the secretary may issue a license to a dealer or license plates to a transport operator, the following must occur:

(1) A dealer or transport operator must disclose to the secretary the following:

(A) Each dealer owner.

(B) For a dealer owner that is a business entity, the following:

(i) If a corporation, each officer, director, and shareholder designated in writing by the board of directors.

(ii) If a limited liability company, each member of the company designated in writing by all members.

(iii) If a partnership, each partner.

(iv) If a sole proprietorship, the proprietor.

(C) Except for a transport operator, each dealer manager.

(2) A person under subdivision (1) must submit to a national criminal history background check (as defined in IC 10-13-3-12) or expanded criminal history check (as defined in IC 20-26-2-1.5) administered by the state police.

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

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

(1) is at the expense of the dealer or transport operator, and the dealer owners; and

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

(e) The secretary may deny an application for a license or transport operator license plates if the division finds that a dealer owner or a dealer manager has been convicted of a:

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

(f) If a dealer or transport operator adds, removes, or changes a dealer owner or dealer manager after issuance of the initial license, the dealer or transport operator must submit an application for a change in ownership in a manner prescribed by the secretary not later than ten (10) days after the change. The new dealer owner or dealer manager shall submit to a national criminal history background check or expanded criminal history check as set forth in subsection (c).

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

- (1) felony within the past ten (10) years;
- (2) felony or misdemeanor involving theft or fraud; or
- (3) felony or misdemeanor concerning an aspect of business involving the:
 - (A) offer;
 - (B) sale;
 - (C) financing;
 - (D) repair;
 - (E) modification; or
 - (F) manufacture;

of a motor vehicle or watercraft.

(h) The dealer or transport operator, and the corporation, company, or partnership must be in good standing with the bureau, the department of state revenue, the department of financial institutions, and the state police department during the entire period for which a license is valid. **A manufactured home dealer that owns a manufactured home community must be in good standing with the state department of health during the entire period for which a license is valid.**

SECTION 17. IC 25-37.5-1-5, AS AMENDED BY P.L.224-2013, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. The provisions of sections 2 and 3 of this chapter do not apply to purchases from persons, firms, limited liability companies, or corporations regularly engaged in the business of manufacturing valuable metals, the business of selling valuable metals at retail or wholesale, to the purchase of one valuable metal dealer from



another or the purchase from persons, firms, limited liability companies, or corporations engaged in either the generation, transmission, or distribution of electric energy or in telephone, telegraph, and other communications if such persons, firms, limited liability companies, or corporations at the time of purchase provide the valuable metal dealer with a bill of sale or other written evidence of title to the valuable metal. **This section does not apply to a used parts dealer.**

SECTION 18. IC 25-37.5-1-9, AS ADDED BY P.L.224-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 9. (a) A person may not sell or attempt to sell, and a valuable metal dealer may not purchase or attempt to purchase, a catalytic converter, in whole or in part, as valuable metal when the catalytic converter is not attached to a motor vehicle at the time of the sale or attempted sale, unless the seller is a used parts dealer or an automotive repair company.

(b) Subsection (a) does not apply when the seller presents the valuable metal dealer with

(+) a:

(A) certificate of title;

(B) certificate of registration;

(C) certificate of authority under IC 9-22-5; or

(D) receipt from a transaction of repair;

for the motor vehicle from which the catalytic converter was taken; or

(2) an affidavit executed by a law enforcement officer attesting to the officer's reasonable belief that the catalytic converter lawfully came into the possession of the person attempting to sell the catalytic converter.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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