

HOUSE BILL No. 1141

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-1-11.

Synopsis: Motor vehicle theft prevention authority. Creates the motor vehicle theft prevention authority. Requires that a fee of \$1 be paid by an insurance company for each year of a comprehensive motor vehicle insurance policy. Establishes the motor vehicle theft prevention fund into which the fees are deposited. Appropriates money from the fund to pay the cost of administering the authority and to provide grants to law enforcement agencies, judicial agencies, prosecuting attorneys, and certain other organizations within the state to combat motor vehicle theft.

Effective: July 1, 1998.

Crawford, Keeler

January 8, 1998, read first time and referred to Committee on Ways and Means.

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Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

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HOUSE BILL No. 1141



A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense, and military affairs.

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

- 1 SECTION 1. IC 10-1-11 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 1998]:
- 4 **Chapter 11. Motor Vehicle Theft Prevention Authority**
- 5 **Sec. 1. As used in this chapter, "authority" refers to the motor**
- 6 **vehicle theft prevention authority established by section 6 of this**
- 7 **chapter.**
- 8 **Sec. 2. As used in this chapter, "board" refers to the board of**
- 9 **directors of the authority.**
- 10 **Sec. 3. As used in this chapter, "economic motor vehicle theft"**
- 11 **means motor vehicle theft that is committed for pecuniary gain.**
- 12 **Sec. 4. (a) As used in this chapter, "insurance policy" means**
- 13 **a policy:**
- 14 **(1) that provides one (1) or more of the types of insurance**
- 15 **described in IC 27-1-5-1, Class 2(f); and**
- 16 **(2) that:**
- 17 **(A) is delivered or issued for delivery in Indiana and**



1 covers a motor vehicle; or

2 (B) covers a motor vehicle required to be registered in
3 Indiana.

4 (b) The term does not include a policy:

5 (1) issued under an automobile assigned risk plan;

6 (2) covering garage, automobile sales agency, repair shop,
7 service station, or public parking place operation hazards; or

8 (3) providing only umbrella liability coverage.

9 Sec. 5. As used in this chapter, "motor vehicle" has the
10 meaning set forth in IC 9-13-2-105.

11 Sec. 6. The motor vehicle theft prevention authority is
12 established. The authority is a separate body corporate and politic
13 constituting an instrumentality of the state for the public purposes
14 set out in this chapter. The authority is not a state agency.

15 Sec. 7. (a) The board of directors may exercise the powers of
16 the authority and consists of the following seven (7) members:

17 (1) Two (2) representatives of purchasers of motor vehicle
18 insurance appointed by the governor.

19 (2) Two (2) representatives of insurers that provide motor
20 vehicle comprehensive insurance in Indiana appointed by the
21 governor.

22 (3) Two (2) representatives of law enforcement officials in
23 Indiana appointed by the governor.

24 (4) The superintendent of the state police department under
25 IC 10-1-1-1 or the superintendent's designee.

26 (b) An appointment to the board is for a term of four (4) years.
27 If a vacancy occurs on the board among the appointed
28 membership, the governor shall appoint a new member to fill the
29 vacancy for the unexpired term.

30 (c) The governor shall designate one (1) member to act as
31 chairperson of the board.

32 Sec. 8. (a) Each member of the board who is not a state
33 employee is not entitled to receive the minimum salary per diem
34 provided by IC 4-10-11-2.1(b). The member is, however, entitled to
35 reimbursement for traveling expenses as provided under
36 IC 4-13-1-4 and other expenses actually incurred in connection
37 with the member's duties as provided in the state policies and
38 procedures established by the Indiana department of
39 administration and approved by the budget agency.

40 (b) Each member of the board who is a state employee is
41 entitled to reimbursement for travel expenses as provided under
42 IC 4-13-1-4 and other expenses actually incurred in connection



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1 with the member's duties as provided in the state travel policies
2 and procedures established by the Indiana department of
3 administration and approved by the budget agency.

4 **Sec. 9. (a) A majority of the members of the board constitutes**
5 **a quorum for the transaction of business at a meeting or for the**
6 **exercise of a power of the authority notwithstanding the existence**
7 **of any vacancies on the board.**

8 **(b) The authority may take action approved by a majority of**
9 **the members of the board present at a meeting of the board at**
10 **which a quorum is present.**

11 **(c) The board shall meet at the call of the chair or as provided**
12 **in the bylaws of the authority adopted under section 10(5) of this**
13 **chapter. Meetings of the board may be held anywhere in Indiana.**

14 **Sec. 10. The authority may do the following:**

15 **(1) Sue and be sued.**

16 **(2) Have a seal and alter the seal.**

17 **(3) Enter into contracts.**

18 **(4) Execute and deliver conveyances and other instruments**
19 **necessary or convenient to the exercise of the authority's**
20 **powers.**

21 **(5) Adopt bylaws.**

22 **(6) Solicit and accept gifts, grants, loans, and other funds**
23 **from any person.**

24 **(7) Make grants and investments.**

25 **(8) Obtain insurance against loss related to the property or**
26 **activities of the authority.**

27 **(9) Invest money held by the authority that is not required**
28 **for immediate use or disbursement.**

29 **(10) Name and use depositories.**

30 **(11) Contract for goods and services, including the services**
31 **of private consultants, managers, counsel, and auditors.**

32 **(12) Hire a staff.**

33 **(13) Purchase insurance protecting members of the board**
34 **from personal liability arising from membership on the**
35 **board.**

36 **(14) Indemnify a member of the board for liability arising**
37 **from the member's action or inaction as a member of the**
38 **board.**

39 **(15) Take any action necessary or convenient to the**
40 **achievement of the objectives and purposes of the authority,**
41 **this chapter, or any other law applicable to the authority.**

42 **Sec. 11. (a) The authority shall develop and implement a plan**

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1 of operation.

2 (b) The plan of operation required by subsection (a) must
3 include the following:

4 (1) An assessment of the scope of the problem of motor
5 vehicle theft, including particular areas of the state where
6 the problem is greatest.

7 (2) An analysis of various methods of combating motor
8 vehicle theft and economic motor vehicle theft.

9 (3) An estimate of the funds required to implement the plan.

10 Sec. 12. (a) The fee requirement of this section applies only to
11 a motor vehicle insurance policy purchased through an insurance
12 company.

13 (b) At the time of the issuance or renewal of an insurance
14 policy, the person issuing the insurance policy must pay an
15 assessment equal to one dollar (\$1) per vehicle insured under the
16 policy for each year the insurance will be in effect.

17 (c) An insurer assessed fees under subsection (b) must deposit
18 the fees in the motor vehicle theft prevention fund established by
19 section 13 of this chapter.

20 Sec. 13. (a) The motor vehicle theft prevention fund is
21 established. The money in the motor vehicle theft prevention fund
22 is appropriated to the motor vehicle theft prevention authority for
23 the purposes set forth in section 14 of this chapter. The authority
24 shall administer the fund.

25 (b) The expenses of administering the fund shall be paid from
26 money in the fund.

27 (c) The treasurer of state shall invest the money in the fund not
28 currently needed to meet the obligations of the fund in the same
29 manner as other public funds may be invested. Interest that
30 accrues from these investments shall be deposited in the fund.

31 (d) Money in the fund at the end of a fiscal year does not revert
32 to the state general fund.

33 Sec. 14. (a) Money in the motor vehicle theft prevention fund
34 must be spent for the following purposes, in order of priority:

35 (1) To pay the costs of administering the authority.

36 (2) To achieve the purposes and objectives of this chapter,
37 including the following:

38 (A) Providing financial support to the state police
39 department and to local law enforcement agencies for
40 teams to combat economic motor vehicle theft.

41 (B) Providing financial support to state or local law
42 enforcement agencies for programs designed to reduce



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the incidence of economic motor vehicle theft.

(C) Providing financial support to prosecuting attorneys for programs designed to reduce the incidence of economic motor vehicle theft.

(D) Providing financial support to judicial agencies for programs designed to reduce the incidence of economic motor vehicle theft.

(E) Providing financial support for neighborhood or community organizations or business organizations for programs designed to reduce the incidence of motor vehicle theft.

(F) Conducting educational programs designed to inform motor vehicle owners of methods of preventing motor vehicle theft and to provide equipment, for experimental purposes, to enable motor vehicle owners to prevent motor vehicle theft.

(b) The authority may provide financial support under subsection (a)(2)(A) through (a)(2)(E) by awarding grants of money from the motor vehicle theft prevention fund.

Sec. 15. Before February 1 of each year, the authority shall provide a written report on the authority's operations in the preceding year to the governor and the general assembly.

Sec. 16. This chapter applies to an insurance policy issued or renewed after July 1, 1998.

Sec. 17. This chapter does not apply to an insurance policy issued or renewed after January 1, 2005.

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