

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 323 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 9-14-2-6 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. The bureau shall do
- 5 the following:
- 6 (1) File and index by name each application for a license, **title,**
- 7 **registration,** or permit issued by the bureau under this title.
- 8 (2) Maintain suitable records of all licenses, **titles, registrations,**
- 9 and permits issued by the commissioner under this title.
- 10 SECTION 2. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE
- 11 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
- 12 **1, 1999]: Sec. 1.5. (a) An automobile auctioneer, transfer dealer, or**
- 13 **dealer having a current license under IC 9-23-2 may apply for and**
- 14 **obtain a certificate of title for itself or on behalf of all vehicles**
- 15 **owned or transferred by the automobile auctioneer, transfer**
- 16 **dealer, dealer, or other person, regardless of the applicant's place**
- 17 **of business or the physical location of the vehicle, by submitting to**
- 18 **the bureau:**
- 19 (1) **an application for title;**
- 20 (2) **an affidavit of ownership showing that the automobile**
- 21 **auctioneer, transfer dealer, dealer, or other person is entitled**
- 22 **to the certificate of title;**
- 23 (3) **an affidavit from the automobile auctioneer, transfer**
- 24 **dealer, dealer, or other person confirming compliance with**

1           **the statutes governing repossession in the state where the**  
 2           **vehicle is located; and**

3           **(4) any additional material required by statute or rules.**

4           SECTION 3. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 1999]: Sec. 5. If an application for a certificate  
 6 of title is for a vehicle ~~brought into Indiana~~ from **or located in** another  
 7 state, the application must be accompanied by:

8           (1) the certificate of title issued for the vehicle by the other state;  
 9           if ~~the other state has a certificate of title law;~~ or

10          (2) a sworn bill of sale or dealer's invoice fully describing the  
 11          vehicle and the most recent registration receipt issued for the  
 12          vehicle; if ~~the other state does not have a certificate of title law;~~  
 13          **or**

14          **(3) A copy of a retail installment agreement or other security**  
 15          **instrument certified by the applicant demonstrating that the**  
 16          **applicant has a lien on or other interest in the vehicle.**

17          **If the vehicle is being titled by or through a dealer, transfer dealer,**  
 18          **or automobile auctioneer (as defined in IC 9-17-2-12), no police**  
 19          **inspection or any other additional information is required to be**  
 20          **provided with the application. However, a title may not be issued**  
 21          **for the vehicle unless the bureau has conducted a National Crime**  
 22          **Information Center (NCIC) stolen motor vehicle check and has**  
 23          **communicated adverse results, if any, to the state police**  
 24          **department.**

25          SECTION 4. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 1999]: Sec. 9. **(a) Except as provided in**  
 27 **subsection (b), a person applying for a certificate of title must:**

28          (1) apply for registration of the vehicle described in the  
 29          application for the certificate of title; or

30          (2) transfer the current registration of the vehicle owned or  
 31          previously owned by the person.

32          **(b) If a vehicle is being titled by or through a dealer, transfer**  
 33          **dealer, or automobile auctioneer for purposes of resale or transfer,**  
 34          **a registration is not required to receive the title.**

35          SECTION 5. IC 9-17-2-12 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 12. (a) As used in this  
 37 section, "dealer", "**transfer dealer**", and "**automobile auctioneer**"  
 38 ~~refers refer~~ to a ~~dealer entities~~ that ~~has:~~ **have:**

39          (1) been in **the business of selling, transferring, or assisting in**  
 40          **the transfer of motor vehicles** for not less than five (5) years;  
 41          **and**

42          (2) **sold, transferred, or assisted in the transfer of** not less than  
 43          one hundred fifty (150) motor vehicles during the preceding year;  
 44          **and**

45          **(3) have a current license under IC 9-23-2.**

46          (b) This section does not apply to the following:

- 1 (1) A new **or used** motor vehicle or recreational vehicle sold:  
 2 (A) by **or through** a dealer; ~~licensed by the state.~~  
 3 (B) by **or through a transfer dealer; or**  
 4 (C) by **or through a licensed automobile auctioneer.**  
 5 (2) A motor vehicle or recreational vehicle transferred or assigned  
 6 on a certificate of title issued by the bureau.  
 7 (3) A motor vehicle that is registered under the International  
 8 Registration Plan.
- 9 (c) An application for a certificate of title for a motor vehicle or  
 10 recreational vehicle may not be accepted by the bureau unless the  
 11 motor vehicle or recreational vehicle has been inspected by one (1) of  
 12 the following:  
 13 (1) An employee of a dealer designated by the bureau to perform  
 14 an inspection.  
 15 (2) A military policeman assigned to a military post in Indiana.  
 16 (3) A police officer.  
 17 (4) A designated employee of the bureau.  
 18 (d) A person described in subsection (c) inspecting a motor vehicle,  
 19 semitrailer, or recreational vehicle shall do the following:  
 20 (1) Make a record of inspection upon the application form  
 21 prepared by the bureau.  
 22 (2) Verify the facts set out in the application.
- 23 SECTION 6. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE  
 24 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 25 **1, 1999]: Sec. 17. An automobile auctioneer, transfer dealer, or**  
 26 **dealer who fraudulently obtains a title for a vehicle under section**  
 27 **1.5 of this chapter is subject to a civil penalty of not less than one**  
 28 **hundred dollars (\$100) and not more than five hundred dollars**  
 29 **(\$500) for each act of violation, as determined by the court. All civil**  
 30 **penalties recovered under this chapter shall be paid to the state.**
- 31 SECTION 7. IC 9-17-2-18 IS ADDED TO THE INDIANA CODE  
 32 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 33 **1, 1999]: If an automobile dealer, transfer dealer, or dealer violates**  
 34 **or aids, induces, or causes a violation of section 1.5 of this chapter,**  
 35 **the automobile dealer's, transfer dealer's, or dealer's license may**  
 36 **be suspended or revoked in the manner provided for the**  
 37 **suspension or revocation of licenses under IC 9-23-2-14.**
- 38 SECTION 8. IC 9-17-2-19 IS ADDED TO THE INDIANA CODE  
 39 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
 40 **1, 1999]: Sec. 19. If a person violates this chapter or a rule or an**  
 41 **order of the bureau issued under this chapter, the bureau may**  
 42 **institute a civil action in any circuit or superior court of Indiana**  
 43 **for injunctive relief to restrain the person from continuing the**  
 44 **activity or for the assessment and recovery of the civil penalty**  
 45 **under section 17 of this chapter, or both.**
- 46 SECTION 9. IC 9-17-2-20 IS ADDED TO THE INDIANA CODE

1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 1999]: **Sec. 20. At the request of the bureau, the attorney general  
3 shall institute and conduct an action in the name of the state for:**

4 **(1) injunctive relief or to recover the civil penalty under  
5 section 17 of this chapter;**

6 **(2) injunctive relief under section 19 of this chapter; or**

7 **(3) the remedies described in both subdivisions (1) and (2).**

8 SECTION 10. IC 9-17-5-2 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. **(a)** A person who  
10 holds a lien on a motor vehicle, semitrailer, or recreational vehicle who  
11 has repossessed the motor vehicle, semitrailer, or recreational vehicle  
12 and wants to obtain a certificate of title for the motor vehicle,  
13 semitrailer, or recreational vehicle in the person's name **without  
14 regard to the repossessing person's state of residence or business**  
15 may obtain the certificate of title from the bureau if:

16 (1) the person from whom the motor vehicle, semitrailer, or  
17 recreational vehicle has been repossessed is shown ~~by the records  
18 of the bureau~~ to be the last registered owner of the motor vehicle,  
19 semitrailer, or recreational vehicle **by the repossessing person's  
20 title application and any materials submitted with the title  
21 application;** and

22 (2) the person who holds the lien ~~establishes to the satisfaction of  
23 submits an application of ownership establishing to the  
24 satisfaction of~~ the bureau that the person is entitled to the  
25 certificate of title.

26 **(b) Notwithstanding IC 9-17-2-9, when a repossessing person  
27 applies for a certificate of title for a motor vehicle, semitrailer, or  
28 recreational vehicle, the repossessing person is not required to  
29 apply for a registration if the repossessing person holds the motor  
30 vehicle, semitrailer, or recreational vehicle for resale.**

31 **(c) Neither the repossessing person nor the person from whom  
32 the motor vehicle, semitrailer, or recreational vehicle has been  
33 repossessed is required to have an Indiana address for the bureau  
34 upon application to issue a certificate of title for the motor vehicle,  
35 semitrailer, or recreational vehicle.**

36 **(d) A repossession title shall not be issued for a vehicle unless  
37 the bureau has conducted a National Crime Information Center  
38 (NCIC) stolen motor vehicle check and has communicated adverse**

39 **results, if any, to the state police department."**

40 Renumber all SECTIONS consecutively.

(Reference is to ESB 323 as printed April 6, 1999.)

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Representative Cook