



**CONFERENCE COMMITTEE REPORT  
DIGEST FOR SB 323**

**Citations Affected:** IC 9-22-3-2.5; IC 9-22-3-7.5; IC 9-23-3-18.

**Synopsis:** Various motor vehicle matters. Defines "flood damaged vehicle" as a vehicle that has been acquired by an insurance company as a part of a damage settlement due to water damage or has been submerged in water and has sustained certain damage. (Current law defines a "flood damaged vehicle" as a vehicle that has sustained water damage above the floorboard of the vehicle.) Requires a dealer to file an affidavit regarding flood damage to a vehicle with the bureau of motor vehicles upon receiving the affidavit, rather than upon receiving the title, from the person who holds the certificate of title. Subjects a person filing a fraudulent affidavit regarding flood damage as a part of the sales or transfer procedure to a dealer to civil liability for damages incurred as a result of the fraudulent affidavit by a dealer subsequent purchaser or transferee of the title. Repeals the provision making it an unfair practice for a manufacturer or distributor to fail to supply to the state police the bumper height specifications of motor vehicles sold or distributed in the state. (This conference committee report does the following: (1) Removes the prohibition against the use of money collected for the motor vehicle highway account fund to augment the budget of the bureau of motor vehicles commission. (2) Removes the prohibition that the motor vehicles commission may not close a full service license branch or reduce the number of hours that a full service license branch is open to the public. (3) Removes the provision that an automobile auctioneer, a transfer dealer, or a dealer licensed by the state may apply for a certificate of title by a stated procedure, including a stolen motor vehicle check, for a vehicle owned or transferred by the automobile auctioneer, transfer dealer, dealer, or another person, regardless of the applicant's place of business or physical location of the vehicle. (4) Removes the civil penalty for an automobile auctioneer, a transfer dealer, or a dealer who fraudulently obtains a vehicle title, and permits the bureau of motor vehicles to institute a civil action for recovery of the civil penalty. (5) Remove the provision that a person who repossesses a motor vehicle may obtain a certificate of title for the motor vehicle by a stated procedure, including a stolen motor vehicle check, without regard to the repossessing person's state of residence or business.)

**Effective:** July 1, 1999.



Adopted	Rejected
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# CONFERENCE COMMITTEE REPORT

**MR. SPEAKER:**

*Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Engrossed Senate Bill No. 323 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 1, delete lines 1 through 16.
- 2 Delete pages 2 through 7.
- 3 Page 8, delete lines 1 through 12.
- 4 Page 8, line 24, delete ":".
- 5 Page 8, line 25, delete "(1)".
- 6 Page 8, run in lines 24 through 25.
- 7 Page 8, line 28, delete "(A)", begin a new line block indented and
- 8 insert:
- 9 "(1)".
- 10 Page 8, line 30, delete "(B)", begin a new line block indented and
- 11 insert:
- 12 "(2)".
- 13 Page 8, line 33, delete "; and" and insert ".".
- 14 Page 8, delete lines 34 through 39.
- 15 Page 9, line 4, after "affidavit" insert "**secured under subsection**
- 16 **(a)**".
- 17 Page 9, line 5, delete "title" and insert "**affidavit**".
- 18 Page 9, between lines 9 and 10, begin a new paragraph and insert:
- 19 "**(d) Submission of a fraudulent affidavit under subsection (a)**
- 20 **will subject the affiant to civil liability for all damages incurred by**
- 21 **a dealer subsequent purchaser or transferee of the title, including**
- 22 **reasonable attorney's fees and court costs.**".
- 23 Renumber all SECTIONS consecutively.  
(Reference is to ESB 323 as reprinted April 13, 1999.)

**Conference Committee Report**  
**on**  
**Senate Bill 323**

**S**igned by:

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Senator Meeks R

\_\_\_\_\_  
Representative Cook

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Senator Lutz L

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Representative McClain

**Senate Conferees**

**House Conferees**