

SENATE BILL No. 618

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-18-2-16; IC 9-23-2-2; IC 9-23-2-14; IC 9-29-5.

Synopsis: Registration of motor vehicles. Authorizes a retail lessor or a person licensed to buy or sell motor vehicles to act as agent for registration of a vehicle for a purchaser or lessor of a vehicle. Authorizes insurance agents or authorized insurance representatives of an insurance company authorized to do business in Indiana to act as an agent for registration of a vehicle for a policyholder and to charge a fee of not more than \$10 for the service. Requires a person seeking a license to buy or sell motor vehicles to state the intent of the applicant to act as an agent for its purchasers or lessors for the registration of a vehicle. Permits the suspension or revocation of a license to buy or sell motor vehicles if there is a willful violation of a federal or state law. Allows a corporation that pays registration fees for vehicles of the
(Continued next page)

Effective: July 1, 1999; January 1, 2000.

Merritt

January 21, 1999, read first time and referred to Committee on Finance.



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Digest Continued

corporation on or before the tenth day of the month in which the fees are due to pay a registration fee of \$10 for the transaction. Allows a person who pays a vehicle registration fee on or before the tenth day of the month in which the fees are due to receive a credit of \$10 for each registration.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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SENATE BILL No. 618

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

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

- 1 SECTION 1. IC 9-18-2-16 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 16. (a) A person who
3 owns a vehicle must sign an application in ink to register the vehicle.
4 (b) An application to register a vehicle must contain the
5 following:
6 (1) The:
7 (A) name, bona fide residence, and mailing address, including
8 the name of the county, of the person who owns the vehicle; or
9 (B) business address, including the name of the county, of the
10 person that owns the vehicle if the person is a firm, a
11 partnership, an association, a corporation, a limited liability
12 company, or a unit of government.
13 If the vehicle that is being registered has been leased and is
14 subject to the motor vehicle excise tax under IC 6-6-5, the
15 application must contain the address of the person who is leasing



1 the vehicle. If the vehicle that is being registered has been leased
 2 and is not subject to the motor vehicle excise tax under IC 6-6-5,
 3 the application must contain the address of the person who owns
 4 the vehicle, the person who is the lessor of the vehicle, or the
 5 person who is the lessee of the vehicle. If a leased vehicle is to be
 6 registered under the International Registration Plan, the
 7 registration procedures are governed by the terms of the plan.

8 (2) A brief description of the vehicle to be registered, including
 9 the following information if available:

10 (A) The name of the manufacturer of the vehicle.

11 (B) The vehicle identification number.

12 (C) The manufacturer's rated capacity if the vehicle is a truck,
 13 tractor, trailer, or semitrailer.

14 (D) The type of body of the vehicle.

15 (E) The model year of the vehicle.

16 (F) Any other information reasonably required by the bureau
 17 to enable the bureau to determine if the vehicle may be
 18 registered. The bureau may request the person applying for
 19 registration to provide the vehicle's odometer reading.

20 (3) A space on the application in which the person registering the
 21 vehicle may indicate the person's desire to donate fifty cents
 22 (\$0.50) to organizations that promote the procurement of organs
 23 for anatomical gifts. Funds collected under this subdivision shall
 24 be distributed by the bureau as directed by the Indiana department
 25 of state health under IC 16-19-3-26. The bureau may deduct from
 26 the funds collected under this subdivision the costs incurred by
 27 the bureau in implementing and administering this subdivision.

28 (c) The department of state revenue may audit records of persons
 29 who register trucks, trailers, semitrailers, buses, and rental cars under
 30 the International Registration Plan to verify the accuracy of the
 31 application and collect or refund fees due.

32 **(d) A person licensed under IC 9-23-2-1 or a retail lessor (as**
 33 **defined in IC 9-23-2.5-7) may act as an agent for registration of a**
 34 **vehicle for a purchaser or a lessor of a vehicle if the registration is**
 35 **performed by one (1) of the following means:**

36 **(1) An application containing the information required by**
 37 **subsection (b) is submitted by mail to the bureau.**

38 **(2) An application containing the information required by**
 39 **subsection (b) is submitted by means of electronic data**
 40 **interchange.**

41 **If a motor vehicle is registered by an agent under this subsection,**
 42 **the motor vehicle tax due under IC 6-6-5 shall be collected by the**

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1 bureau by means of guaranteed payment, and the bureau shall
 2 deliver a certificate of registration under IC 9-18-2-20 and issue
 3 one (1) license plate under IC 9-18-2-30 to the owner of the vehicle.

4 (e) The bureau may not refuse an application submitted under
 5 subsection (d) if the person submitting the application has properly
 6 filed notice of intent to act as agent under IC 9-23-2-2.

7 (f) An insurance agent or authorized insurance representative
 8 (as defined in IC 27-1-15.5-2) of an insurance company authorized
 9 to transact business in Indiana may act as agent for registration of
 10 a vehicle for a policyholder and may collect a fee of not more than
 11 ten dollars (\$10) for a transaction for providing the service if the
 12 registration is performed by one (1) of the following means:

13 (1) An application containing the information required by
 14 subsection (b) is submitted by mail to the bureau.

15 (2) An application containing the information required by
 16 subsection (b) is submitted by means of electronic data
 17 interchange.

18 If a motor vehicle is registered by an agent under this subsection,
 19 the motor vehicle tax due under IC 6-6-5 shall be collected by the
 20 bureau by means of guaranteed payment, and the bureau shall
 21 deliver a certificate of registration under IC 9-18-2-20 and the
 22 appropriate license plate under IC 9-18-2-47 to the owner of the
 23 vehicle.

24 (g) Whenever the registration is submitted:

25 (1) as described in subsection (d)(1) or (f)(1), the bureau shall
 26 send an immediate confirmation of the registration by first
 27 class mail to the agent.

28 (2) as described in subsection (d)(2) or (f)(2), the bureau shall
 29 send an immediate confirmation of the registration by means
 30 of electronic data interchange to the agent.

31 SECTION 2. IC 9-23-2-2 IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) An application for a license
 33 under this chapter must:

34 (1) be accompanied by the fee required under IC 9-29-8;

35 (2) be on a form prescribed by the bureau; and

36 (3) contain the information the bureau considers necessary to
 37 enable the bureau to determine fully the following information:

38 (A) The qualifications and eligibility of the applicant to
 39 receive the license.

40 (B) The location of each of the applicant's places of business
 41 in Indiana.

42 (C) The ability of the applicant to conduct properly the

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1 business for which the application is submitted.

2 **(D) The intent of the applicant to act as agent for the**
 3 **applicant's purchasers and lessors for registration of**
 4 **vehicles.**

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

7 (c) This subsection applies to an application for a license as a dealer
 8 in a city having a population of more than one hundred ten thousand
 9 (110,000) but less than one hundred twenty thousand (120,000). The
 10 application must include an affidavit from:

11 (1) the person charged with enforcing a zoning ordinance
 12 described in this subsection; or

13 (2) the zoning enforcement officer under IC 36-7-4, if one exists;
 14 who has jurisdiction over the real property where the applicant wants
 15 to operate as a dealer. The affidavit must state that the proposed
 16 location is zoned for the operation of a dealer's establishment. The
 17 applicant may file the affidavit at any time after the filing of the
 18 application. However, the bureau may not issue a license until the
 19 applicant files the affidavit.

20 SECTION 3. IC 9-23-2-14 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. (a) A license issued
 22 under this chapter may be denied, suspended, or revoked for any of the
 23 following:

24 (1) Material misrepresentation in the application for the license
 25 or other information filed with the commissioner.

26 (2) Lack of fitness under the standards set forth in this article or
 27 a rule adopted by the commissioner under this article.

28 (3) Willful failure to comply with the provisions of this article or
 29 a rule adopted by the commissioner under this article.

30 (4) Willful violation of a federal or state law relating to the sale,
 31 distribution, financing, or insuring **when acting as agent for the**
 32 **registration** of motor vehicles.

33 (5) Engaging in an unfair practice as set forth in this article or a
 34 rule adopted by the commissioner under this article.

35 (6) Violating IC 23-2-2.7.

36 (b) Except as provided in subsection (d), the procedures set forth in
 37 IC 4-21.5 govern the denial, suspension, or revocation of a license and
 38 a judicial review. However, if the bureau denies, suspends, or revokes
 39 a license issued or sought under this article, the affected person may
 40 file an action in the circuit court of Marion County, Indiana, or the
 41 circuit court of the Indiana county in which the person's principal place
 42 of business is located, seeking a judicial determination as to whether



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1 the action is proper. An action may not take effect until thirty (30) days
 2 after the commissioner's determination has been made and a notice of
 3 the determination served upon the affected person. The filing of an
 4 action as described in this section within the thirty (30) day period is
 5 an automatic stay of the commissioner's determination.

6 (c) Revocation or suspension of a license of a manufacturer, a
 7 distributor, a factory branch, a distributor branch, a dealer, or an
 8 automobile auctioneer may be limited to one (1) or more locations, to
 9 one (1) or more defined areas, or only to certain aspects of the business.

10 (d) A license may be denied, suspended, or revoked for violating
 11 IC 9-19-1. IC 4-21.5-4 governs the denial, suspension, or revocation of
 12 a license under this subsection. The bureau may issue a temporary
 13 order to enforce this subsection.

14 SECTION 4. IC 9-29-5-1 IS AMENDED TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 1999]: Sec. 1. **Except as provided in section**
 16 **44 of this chapter**, the annual registration fee for a passenger motor
 17 vehicle is twelve dollars (\$12).

18 SECTION 5. IC 9-29-5-13.5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 13.5. (a) This
 20 section applies to a truck, trailer, or semitrailer and tractor for which a
 21 license fee provided in section 13(b) of this chapter has been paid.

22 (b) If the owner of a truck, trailer, or semitrailer and tractor
 23 described in subsection (a) begins to operate the truck, trailer, or
 24 semitrailer and tractor in the conduct of a commercial enterprise or for
 25 the transportation of farm products after the commodities have entered
 26 the channels of commerce during a registration year for which the
 27 license fee under section 13(b) of this chapter has been paid, the owner
 28 shall pay the amount listed in this chapter for a truck, trailer, or
 29 semitrailer and tractor of the same declared gross weight reduced by a
 30 credit determined under subsection (c) to license the truck, trailer, or
 31 semitrailer and tractor.

32 (c) The credit provided in subsection (b) equals:

- 33 (1) the license fee paid under section 13(b) of this chapter,
 34 **subject to section 44 of this chapter**; reduced by
 35 (2) ten percent (10%) for each full or partial calendar month that
 36 has elapsed in the registration year for which the license fee has
 37 been paid.

38 (d) A credit determined under subsection (c) may not exceed ninety
 39 percent (90%) of the license fee paid under section 13(b) of this
 40 chapter.

41 SECTION 6. IC 9-29-5-44 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY



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1, 1999]: **Sec. 44. (a) If the registration fees owned by a corporation on motor vehicles under IC 9-18-2-8(c)(1) and IC 9-18-2-8(c)(4) are paid to the bureau on or before January 10 of each year and the registration fees due under IC 9-18-2-8(d) are paid to the bureau on or before February 10 of each year:**

(1) by mail, postmarked on or before the date in subsection (a); or

(2) through an authorized agent as provided in IC 9-18-2-16 on or before the dates in subsection (a);

the corporation shall pay a registration fee of ten dollars (\$10) for the transaction, regardless of the number of motor vehicles registered in the transaction.

(b) If a person who is required to register a vehicle under IC 9-18-2-8(e) pays the registration fee either by mail postmarked on or before the date in the following schedule or through an authorized agent as provided in IC 9-18-2-16 according to the following schedule, the person is entitled to a credit of ten dollars (\$10) against the registration fee:

(1) Persons whose last names begin with the letters A through B, inclusive, must register before February 10 of each year.

(2) Persons whose last names begin with the letters C through D, inclusive, must register before March 10 of each year.

(3) Persons whose last names begin with the letters E through G, inclusive, must register before April 10 of each year.

(4) Persons whose last names begin with the letters H through I, inclusive, must register before May 10 of each year.

(5) Persons whose last names begin with the letters J through L, inclusive, must register before June 10 of each year.

(6) Persons whose last names begin with the letters M through O, inclusive, must register before July 10 of each year.

(7) Persons whose last names begin with the letters P through R, inclusive, must register before August 10 of each year.

(8) Persons whose last names begin with the letters S through T, inclusive, must register before September 10 of each year.

(9) Persons whose last names begin with the letters U through Z, inclusive, must register before October 10 of each year.

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