

HOUSE BILL No. 1632

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-3; IC 33-19-6-14.2; IC 33-19-6-14.4; IC 33-19-7-1; IC 33-19-7-5.5.

Synopsis: Motor vehicle theft prevention authority. Creates the motor vehicle theft prevention authority. Requires a fee of \$1 to be paid by a defendant for a violation of a traffic offense and a fee of \$5 to be paid by a defendant for a violation of a moving traffic offense. Establishes the motor vehicle theft prevention fund into which the fees are deposited. Requires that money in the fund be used 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, 1999.

Cook

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

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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.

HOUSE BILL No. 1632

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 9-13-3 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:
4 **Chapter 3. Motor Vehicle Theft Prevention**
5 **Sec. 1. As used in this chapter, "authority" refers to the motor**
6 **vehicle theft prevention authority established by this chapter.**
7 **Sec. 2. As used in this chapter, "board" refers to the board of**
8 **directors of the motor vehicle theft prevention authority.**
9 **Sec. 3. As used in this chapter, "economic motor vehicle theft"**
10 **means motor vehicle theft that is committed for financial gain.**
11 **Sec. 4. As used in this chapter, "motor vehicle" has the meaning**
12 **set forth in IC 9-13-2-105.**
13 **Sec. 5. The motor vehicle theft prevention authority is**
14 **established. The authority is a separate body corporate and politic**
15 **constituting an instrumentality of the state for the public purposes**
16 **set out in this chapter but is not a state agency.**
17 **Sec. 6. (a) The powers of the authority are vested in and shall be**



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1 exercised by a board of directors.

2 (b) The board consists of the following seven (7) members:

3 (1) Two (2) representatives of purchasers of motor vehicle
4 insurance in Indiana appointed by the governor.

5 (2) Two (2) representatives of insurers that provide motor
6 vehicle liability insurance in Indiana appointed by the
7 governor.

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

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

12 (c) An appointment to the board is for a term of four (4) years.
13 If a vacancy occurs on the board among the appointed
14 membership, the governor shall appoint a new member to fill the
15 vacancy for the unexpired term.

16 (d) The governor shall designate one (1) member to act as
17 chairperson of the board.

18 Sec. 7. (a) A member of the board who is not a state employee is
19 not entitled to the minimum salary per diem provided by
20 IC 4-10-11-2.1(b). However, the member is entitled to
21 reimbursement for traveling expenses and other expenses actually
22 incurred in connection with the member's duties, as provided in the
23 state travel policies and procedures established by the Indiana
24 department of administration and approved by the budget agency.

25 (b) A member of the board who is a state employee is entitled to
26 reimbursement for traveling expenses and other expenses actually
27 incurred in connection with the member's duties, as provided in the
28 state travel policies and procedures established by the Indiana
29 department of administration and approved by the budget agency.

30 Sec. 8. (a) A majority of the members of the board constitutes a
31 quorum for the transaction of business at a meeting or for the
32 exercise of a power of the authority, notwithstanding the existence
33 of any vacancies on the board.

34 (b) The authority may take action approved by a majority of the
35 members of the board present at a meeting of the board at which
36 a quorum is present.

37 (c) The board shall meet at the call of the chairperson or as
38 provided in the bylaws of the authority adopted under section 9(5)
39 of this chapter. Meetings of the board may be held anywhere in
40 Indiana.

41 Sec. 9. The authority may do the following:

42 (1) Sue and be sued.

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- 1 (2) Have a seal and alter the seal.
 2 (3) Enter into contracts.
 3 (4) Execute and deliver conveyances and other instruments
 4 necessary or convenient to the exercise of the authority's
 5 powers.
 6 (5) Adopt bylaws.
 7 (6) Solicit and accept gifts, grants, loans, and other funds from
 8 any person.
 9 (7) Make grants and investments.
 10 (8) Obtain insurance against loss related to the property or
 11 activities of the authority.
 12 (9) Invest money held by the authority that is not required for
 13 immediate use or disbursement.
 14 (10) Name and use depositories.
 15 (11) Contract for goods and services, including the services of
 16 private consultants, managers, counsel, and auditors.
 17 (12) Hire a staff.
 18 (13) Purchase insurance protecting members of the board
 19 from personal liability arising from membership on the
 20 board.
 21 (14) Indemnify a member of the board for liability arising
 22 from the member's action or inaction as a member of the
 23 board.
 24 (15) Take any action necessary or convenient to the
 25 achievement of the objectives and purposes of the authority,
 26 this chapter, or any other law applicable to the authority.

27 **Sec. 10. (a) The authority shall develop and implement a plan of**
 28 **operation.**

29 **(b) The plan of operation required by subsection (a) must**
 30 **include the following:**

- 31 (1) An assessment of the scope of the problem of motor vehicle
 32 theft, including particular areas of the state where the
 33 problem is greatest.
 34 (2) An analysis of various methods of combating motor
 35 vehicle theft and economic motor vehicle theft.
 36 (3) An estimate of the funds required to implement the plan.

37 **Sec. 11. (a) The motor vehicle theft prevention fund is**
 38 **established to provide a source of funds for the purposes set forth**
 39 **in section 12 of this chapter. The authority shall administer the**
 40 **fund.**

41 **(b) The expenses of administering the fund shall be paid from**
 42 **money in the fund.**



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

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

7 **Sec. 12. (a) Money in the motor vehicle theft prevention fund**
 8 **must be spent for the following purposes, in order of priority:**

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

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

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

15 (B) Providing financial support to state or local law
 16 enforcement agencies for programs designed to reduce the
 17 incidence of economic motor vehicle theft.

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

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

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

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

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

35 **Sec. 13. Before February 1 of each year, the authority shall**
 36 **provide a written report on the authority's operations and expenses**
 37 **in the preceding year to the governor, general assembly, and**
 38 **professional organizations that proposed the board members in**
 39 **section 6(b)(1) and section 6(b)(2) of this chapter.**

40 SECTION 2. IC 33-19-6-14.2 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 1999]: **Sec. 14.2. (a) As used in this section,**



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1 **"traffic offense" means a violation of a statute that concerns the**
 2 **following:**

- 3 (1) **The operation or use of motor vehicles.**
 4 (2) **The use of streets and highways by pedestrians.**
 5 (3) **The operation of another vehicle.**

6 (b) **Except as provided in section 14.4 of this chapter, in each**
 7 **traffic offense action in which a defendant is found to have**
 8 **committed a felony, misdemeanor, or an infraction, the clerk shall**
 9 **collect a motor vehicle theft prevention fee of one dollar (\$1).**

10 SECTION 3. IC 33-19-6-14.4 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 1999]: **Sec. 14.4. (a) As used in this section,**
 13 **"moving traffic offense" means a violation of a statute relating to**
 14 **the operation or use of motor vehicles while the motor vehicle is in**
 15 **motion.**

16 (b) **In each moving traffic offense action in which a defendant**
 17 **is found to have committed a felony, misdemeanor, or infraction,**
 18 **the clerk shall collect a motor vehicle theft prevention fee of five**
 19 **dollars (\$5).**

20 SECTION 4. IC 33-19-7-1 IS AMENDED TO READ AS
 21 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) The clerk of a
 22 circuit court shall semiannually distribute to the auditor of state as the
 23 state share for deposit in the state general fund seventy percent (70%)
 24 of the amount of fees collected under the following:

- 25 (1) IC 33-19-5-1(a) (criminal costs fees).
 26 (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
 27 (3) IC 33-19-5-3(a) (juvenile costs fees).
 28 (4) IC 33-19-5-4(a) (civil costs fees).
 29 (5) IC 33-19-5-5(a) (small claims costs fees).
 30 (6) IC 33-19-5-6(a) (probate costs fees).
 31 (7) IC 33-19-6-16.2 (deferred prosecution fees).

32 (b) The clerk of a circuit court shall semiannually distribute to the
 33 auditor of state for deposit in the state user fee fund established under
 34 IC 33-19-9-2 the following:

- 35 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 36 interdiction, and correction fees collected under
 37 IC 33-19-5-1(b)(5).
 38 (2) Twenty-five percent (25%) of the alcohol and drug
 39 countermeasures fees collected under IC 33-19-5-1(b)(6),
 40 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
 41 (3) Fifty percent (50%) of the child abuse prevention fees
 42 collected under IC 33-19-5-1(b)(7).



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1 (4) One hundred percent (100%) of the domestic violence
2 prevention and treatment fees collected under IC 33-19-5-1(b)(8).

3 (5) One hundred percent (100%) of the highway work zone fees
4 collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).

5 (6) One hundred percent (100%) of the safe schools fee collected
6 under IC 33-19-6-16.3.

7 (c) The clerk of a circuit court shall monthly distribute to the county
8 auditor the following:

9 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
10 interdiction, and correction fees collected under
11 IC 33-19-5-1(b)(5).

12 (2) Seventy-five percent (75%) of the alcohol and drug
13 countermeasures fees collected under IC 33-19-5-1(b)(6),
14 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

15 The county auditor shall deposit fees distributed by a clerk under this
16 subsection into the county drug free community fund established under
17 IC 5-2-11.

18 (d) The clerk of a circuit court shall monthly distribute to the county
19 auditor fifty percent (50%) of the child abuse prevention fees collected
20 under IC 33-19-5-1(b)(8). The county auditor shall deposit fees
21 distributed by a clerk under this subsection into the county child
22 advocacy fund established under IC 12-17-17.

23 **(e) The clerk of a circuit court shall monthly distribute to the**
24 **auditor of state one hundred percent (100%) of the motor vehicle**
25 **theft prevention fees collected under IC 33-19-6-14.2 and**
26 **IC 33-19-6-14.4 for deposit in the motor vehicle theft prevention**
27 **fund established under IC 9-13-3-11.**

28 SECTION 5. IC 33-19-7-5.5 IS ADDED TO THE INDIANA CODE
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
30 1, 1999]: **Sec. 5.5. On June 30 and December 31 each year the**
31 **auditor of state shall transfer to the treasurer of state the fees**
32 **distributed to the auditor under IC 33-19-7-1(e) for deposit in the**
33 **motor vehicle theft prevention fund established under**
34 **IC 9-13-3-11.**

35 SECTION 6. [EFFECTIVE JULY 1, 1999] **(a) The initial terms for**
36 **the seven (7) members appointed to the motor vehicle theft**
37 **authority by the governor under IC 9-13-3-6 are as follows:**

38 **(1) One (1) member for a term of one (1) year.**

39 **(2) Two (2) members for a term of two (2) years.**

40 **(3) Two (2) members for a term of three (3) years.**

41 **(4) Two (2) members for a term of four (4) years.**

42 **(b) The initial terms begin July 1, 1999.**



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1 (c) This SECTION expires July 1, 2003.

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