



January 29, 1999

SENATE BILL No. 323

DIGEST OF SB 323 (Updated January 26, 1999 11:56 am - DI 75)

Citations Affected: IC 9-22; IC 9-23.

Synopsis: Various motor vehicle matters. Defines "flood damaged vehicle" as a vehicle that has been acquired by an insurance company as part of a damage settlement due to water damage or has been submerged in water to a stated extent and that 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.) 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.

Effective: July 1, 1999.

Meeks R, Lutz

January 11, 1999, read first time and referred to Committee on Commerce and Consumer Affairs.
January 28, 1999, amended, reported favorably — Do Pass.

SB 323—LS 7221/DI 96+



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January 29, 1999

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. 323



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 9-22-3-2.5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.5. As used in this
3 chapter, "flood damaged vehicle" means a **passenger motor** vehicle
4 that has sustained water damage above the floorboard of the vehicle:
5 **satisfies either of the following:**
6 (1) **The vehicle has been acquired by an insurance company**
7 **as part of a damage settlement due to water damage.**
8 (2) **The vehicle has been submerged in water to the point that**
9 **rising water has reached over the door sill, has entered the**
10 **passenger or trunk compartment, and has exposed any**
11 **electrical, computerized, or mechanical component to water.**
12 **This subdivision does not include a passenger motor vehicle**
13 **that:**
14 (A) **an inspection conducted by an insurance adjuster or**
15 **estimator, a motor vehicle repairer, or a motor vehicle**
16 **dealer determines:**
17 (i) **has no electrical, computerized, or mechanical**

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1 **components that were damaged by water; or**
 2 **(ii) has one (1) or more electrical, computerized, or**
 3 **mechanical components that were damaged by water**
 4 **and all such damaged components have been repaired or**
 5 **replaced; and**
 6 **(B) has no unrepaired damage to carpeting or unrepaired**
 7 **visible rust on metal components that may have been**
 8 **exposed to water that has risen above the door sill and**
 9 **entered into the passenger or trunk compartment.**

10 SECTION 2. IC 9-22-3-2.5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.5. As used in this
 12 chapter, "flood damaged vehicle" means a vehicle that ~~has sustained~~
 13 ~~water damage above the floorboard of the vehicle. has been~~
 14 **submerged in water to the extent that water has risen above the**
 15 **floorboard of the vehicle.**

16 SECTION 3. IC 9-22-3-30 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 30. A seller that is:
 18 (1) a dealer; or
 19 (2) any other person who sells, exchanges, or transfers ~~at least~~
 20 ~~five (5) vehicles each year a vehicle;~~
 21 may not sell, exchange, or transfer a rebuilt vehicle without disclosing
 22 in writing to the purchaser, customer, or transferee before
 23 consummating the sale, exchange, or transfer the fact that the vehicle
 24 is a rebuilt vehicle if the dealer or other person knows or should
 25 reasonably know the vehicle is a rebuilt vehicle.

26 SECTION 4. IC 9-23-3-18 IS REPEALED [EFFECTIVE JULY 1,
 27 1999].

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SENATE MOTION

Mr. President: I move that Senator Lutz be added as coauthor of Senate Bill 323.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 16, begin a new paragraph, and insert:

"SECTION 1. IC 9-22-3-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2.5. As used in this chapter, "flood damaged vehicle" means a **passenger motor** vehicle that has sustained water damage above the floorboard of the vehicle: **satisfies either of the following:**

(1) The vehicle has been acquired by an insurance company as part of a damage settlement due to water damage.

(2) The vehicle has been submerged in water to the point that rising water has reached over the door sill, has entered the passenger or trunk compartment, and has exposed any electrical, computerized, or mechanical component to water. This subdivision does not include a passenger motor vehicle that:

(A) an inspection conducted by an insurance adjuster or estimator, a motor vehicle repairer, or a motor vehicle dealer determines:

(i) has no electrical, computerized, or mechanical components that were damaged by water; or

(ii) has one (1) or more electrical, computerized, or mechanical components that were damaged by water and all such damaged components have been repaired or replaced; and

(B) has no unrepaired damage to carpeting or unrepaired visible rust on metal components that may have been exposed to water that has risen above the door sill and entered into the passenger or trunk compartment."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 323 as introduced.)

MILLS, Chairperson

Committee Vote: Yeas 10, Nays 0.

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