

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that Senate Bill 218 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 6-6-5-6.7 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.7. (a) As used in
- 5 this section, "passenger motor vehicle" and "truck" have the
- 6 meanings set forth for those terms in ~~IC 9-13-2-123(a)~~ **IC 9-13-2-**
- 7 **123** and IC 9-13-2-188(a).
- 8 (b) Every owner of a passenger motor vehicle or passenger motor
- 9 vehicles or of a truck or trucks who during a registration year
- 10 regularly rents those vehicles or trucks for periods of under thirty
- 11 (30) days to others in the regular course of the owner's business is
- 12 entitled to a credit against the motor vehicle excise tax liability
- 13 owed for those passenger motor vehicles or trucks for that
- 14 registration year. The maximum credit an owner is entitled to
- 15 claim against the tax owed for all those passenger motor vehicles
- 16 and trucks for a registration year under this section equals the
- 17 lesser of:
- 18 (1) the total motor vehicle excise taxes due for those passenger
- 19 motor vehicles and trucks for that registration year, before the
- 20 application of the credit allowed by this section; or
- 21 (2) the total auto rental excise taxes collected by the owner during
- 22 the immediately preceding registration year.
- 23 (c) A passenger motor vehicle or truck is regularly rented by a

1 person in the regular course of the person's business during a  
2 registration year if the passenger motor vehicle or truck is rented  
3 by the person to another person an average of ten (10) days each  
4 month of the registration year that the person owned the passenger  
5 motor vehicle or truck.

6 SECTION 2. IC 6-6-9-3 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in this  
8 chapter, "passenger motor vehicle" has the meaning set forth in ~~IC~~  
9 ~~9-13-2-123(a)~~. **IC 9-13-2-123.**

10 SECTION 3. IC 6-6-9.7-3 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. As used in this  
12 chapter, "passenger motor vehicle" has the meaning set forth in ~~IC~~  
13 ~~9-13-2-123(a)~~. **IC 9-13-2-123.**

14 SECTION 4. IC 9-13-2-123 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 123. ~~(a)~~  
16 "Passenger motor vehicle" means ~~except as provided in subsection~~  
17 ~~(b)~~; a motor vehicle designed for carrying passengers. The term  
18 includes a low speed vehicle but does not include a motorcycle,  
19 bus, or school bus.

20 ~~(b) For purposes of IC 9-19-10, the term includes buses, school~~  
21 ~~buses, and private buses, and excludes trucks, tractors, and~~  
22 ~~recreational vehicles.~~

23 SECTION 5. IC 9-19-10-1 IS AMENDED TO READ AS  
24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter  
25 does not apply to a ~~front seat~~ **an occupant of a motor vehicle** who  
26 meets any of the following conditions:

- 27 (1) For medical reasons should not wear safety belts.
- 28 (2) Is a child **less than sixteen (16) years of age who is** required  
29 to be restrained by a child restraint system **or safety belt** under IC  
30 9-19-11.
- 31 (3) Is traveling in a commercial or a United States Postal Service  
32 vehicle that makes frequent stops for the purpose of pickup or  
33 delivery of goods or services.
- 34 (4) Is a rural carrier of the United States Postal Service and is  
35 operating a vehicle while serving a rural postal route.
- 36 (5) Is a newspaper motor route carrier or newspaper bundle hauler  
37 who stops to make deliveries from a vehicle.
- 38 (6) Is a driver examiner designated and appointed under IC 9-14-2-  
39 3 and is conducting an examination of an applicant for a permit or  
40 license under IC 9-24-10.

- 41 **(7) Is the occupant of a farm truck being used on a farm for**  
42 **agricultural pursuits.**
- 43 **(8) Is the occupant of a motor vehicle participating in a parade.**
- 44 **(9) Is the occupant of the living quarters area of a recreational vehicle.**
- 45 **(10) Is the occupant of the treatment area of an ambulance (as**  
46 **defined in IC 16-18-2-13).**
- 47 **(11) Is the occupant of the sleeping area of a tractor.**
- 48 **(12) Is the occupant of a motor vehicle that is not equipped**  
49 **with safety belts meeting the standards stated in the Federal**  
50 **Motor Vehicle Safety Standard Number 208 (49 CFR 571.208).**

1 SECTION 6. IC 9-19-10-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. Each front seat  
 3 occupant of a passenger motor vehicle that is equipped with a  
 4 safety belt meeting the standards stated in the Federal Motor  
 5 Vehicle Safety Standard Number 208 (49 CFR 571.208) shall have  
 6 a safety belt properly fastened about the occupant's body at all  
 7 times when the vehicle is in forward motion.

8 SECTION 7. IC 9-19-10-3, AS AMENDED BY P.L.57-1998,  
 9 SECTION 2, AND AS AMENDED BY P.L.116-1998, SECTION  
 10 2, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2005]: Sec. 3. *(a) Except as provided in*  
 12 *subsection (b), a person may not be stopped, inspected, or*  
 13 *detained solely to determine compliance with this chapter.*  
 14 *(b) Subsection (a) does not apply to a stop, an inspection, or a*  
 15 *detention of a person to determine compliance with section 2.5 of*  
 16 *this chapter.*  
 17 *A vehicle may be stopped to determine compliance with this*  
 18 *chapter. However, a vehicle, the contents of a vehicle, the driver of*  
 19 *a vehicle, or a passenger in a vehicle may not be inspected,*  
 20 *searched, or detained solely because of a violation of this chapter.*

21 SECTION 8. IC 9-19-10-5 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. A person may  
 23 not buy, sell, lease, trade, or transfer from or to Indiana residents at  
 24 retail an automobile that is manufactured or assembled,  
 25 commencing with the 1964 models, unless the automobile is  
 26 equipped with safety belts. ~~installed for use in the front seat.~~  
 27 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 218 as reprinted March 18, 2005.)

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Representative WELCH