

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 117 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 9-23-2-2, AS AMENDED BY P.L.147-2009,
- 4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2010]: Sec. 2. (a) An application for a license under this
- 6 chapter must:
- 7 (1) be accompanied by the fee required under IC 9-29-8;
- 8 (2) be on a form prescribed by the secretary of state;
- 9 (3) contain the information the secretary of state considers
- 10 necessary to enable the secretary of state to determine fully the
- 11 following information:
- 12 (A) The qualifications and eligibility of the applicant to
- 13 receive the license.
- 14 (B) The location of each of the applicant's places of business
- 15 in Indiana.
- 16 (C) The ability of the applicant to conduct properly the
- 17 business for which the application is submitted; and
- 18 (4) contain evidence of ~~the~~ a bond required in subsection (e).
- 19 (b) An application for a license as a dealer must show whether the
- 20 applicant proposes to sell new or used motor vehicles, or both.
- 21 (c) An applicant who proposes to use the Internet or other computer
- 22 network in aid of its sale of motor vehicles to consumers in Indiana,
- 23 which activities may result in the creation of business records outside
- 24 Indiana, shall provide the division with the name, address, and

1 telephone number of the person who has control of those business
 2 records. The secretary of state may not issue a license to a dealer who
 3 transacts business in this manner who does not have an established
 4 place of business in Indiana.

5 (d) This subsection applies to an application for a license as a dealer
 6 in a city having a population of more than ninety thousand (90,000) but
 7 less than one hundred five thousand (105,000). The application must
 8 include an affidavit from:

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

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

18 (e) **This subsection does not apply to a person listed in the**
 19 **categories set forth in section 1(a)(10) through 1(a)(12) of this**
 20 **chapter and that was licensed under this chapter before July 1,**
 21 **2009.** A licensee shall maintain a bond satisfactory to the secretary of
 22 state in the amount of twenty-five thousand dollars (\$25,000), which
 23 must:

24 (1) be in favor of the state; and

25 (2) secure payment of fines, penalties, costs, and fees assessed by
 26 the secretary of state after notice, opportunity for a hearing, and
 27 opportunity for judicial review, in addition to securing the
 28 payment of damages to a person aggrieved by a violation of this
 29 chapter by the licensee after a judgment has been issued.

30 (f) Service shall be made in accordance with the Indiana Rules of
 31 Trial Procedure."

32 Renumber all SECTIONS consecutively.

(Reference is to ESB 117 as printed February 19, 2010.)

Representative Smith M