

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WITHDRAWN	Noes _____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

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

MR. SPEAKER:

I move that House Bill 1453 be amended to read as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning state
- 3 offices and administration and to make an appropriation.
- 4 Page 1, between the enacting clause and line 1, begin a new
- 5 paragraph and insert:
- 6 "SECTION 1. IC 3-9-2-14 IS ADDED TO THE INDIANA CODE
- 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2011]: **Sec. 14. (a) The definitions in IC 9-32-1 apply in this**
- 9 **section.**
- 10 **(b) As used in this chapter, "regulated person" refers to any of**
- 11 **the following subject to licensing or other regulation under**
- 12 **IC 9-32:**
- 13 **(1) An automobile auctioneer.**
- 14 **(2) An automotive mobility dealer.**
- 15 **(3) An automotive salvage rebuilder.**
- 16 **(4) A boat dealer.**
- 17 **(5) A broker.**
- 18 **(6) A converter manufacturer.**
- 19 **(7) A dealer.**
- 20 **(8) A disposal facility, a used parts dealer, or an automotive**
- 21 **salvage rebuilder licensed under IC 9-32-9.**
- 22 **(9) A distributor.**
- 23 **(10) A distributor representative.**
- 24 **(11) A factory branch.**

- 1           **(12) A factory representative.**  
 2           **(13) A franchisee.**  
 3           **(14) A franchisor.**  
 4           **(15) A manufacturer**  
 5           **(16) A retail lessor.**  
 6           **(17) A transfer dealer.**  
 7           **(18) A used parts dealer.**  
 8           **(19) A wholesale dealer.**  
 9           **(c) A regulated person may not make a contribution to either of**  
 10 **the following:**  
 11           **(1) The secretary of state.**  
 12           **(2) A candidate for the office of secretary of state.**  
 13           **(d) A candidate or a candidate's committee that receives a**  
 14 **contribution from a person who is prohibited from making a**  
 15 **contribution under this section shall pay an amount equal to the**  
 16 **value of the contribution to the election division not later than**  
 17 **thirty (30) days after receiving the contribution.**  
 18           **(e) The election division shall deposit payments made under**  
 19 **subsection (c) in the campaign finance enforcement account**  
 20 **established by IC 3-6-4.1-24.**  
 21           SECTION 2. IC 3-9-4-16, AS AMENDED BY P.L.221-2005,  
 22 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2011]: Sec. 16. (a) In addition to any other penalty imposed,  
 24 a person who does any of the following is subject to a civil penalty  
 25 under this section:  
 26           (1) Fails to file with the election division a report in the manner  
 27 required under IC 3-9-5.  
 28           (2) Fails to file a statement of organization required under  
 29 IC 3-9-1.  
 30           (3) Is a committee or a member of a committee who disburses or  
 31 expends money or other property for any political purpose before  
 32 the money or other property has passed through the hands of the  
 33 treasurer of the committee.  
 34           (4) Makes a contribution other than to a committee subject to this  
 35 article or to a person authorized by law or a committee to receive  
 36 contributions on the committee's behalf.  
 37           (5) Is a corporation or labor organization that exceeds any of the  
 38 limitations on contributions prescribed by IC 3-9-2-4.  
 39           (6) Makes a contribution in the name of another person.  
 40           (7) Accepts a contribution made by one (1) person in the name of  
 41 another person.  
 42           (8) Is not the treasurer of a committee subject to this article, and  
 43 pays any expenses of an election or a caucus except as authorized  
 44 by this article.  
 45           (9) Commingles the funds of a committee with the personal funds  
 46 of an officer, a member, or an associate of the committee.  
 47           (10) Wrongfully uses campaign contributions in violation of

- 1 IC 3-9-3-4.  
 2 (11) Violates IC 3-9-2-12.  
 3 (12) Fails to designate a contribution as required by IC 3-9-2-5(c).  
 4 (13) Violates IC 3-9-3-5.  
 5 (14) Serves as a treasurer of a committee in violation of any of the  
 6 following:  
 7 (A) IC 3-9-1-13(1).  
 8 (B) IC 3-9-1-13(2).  
 9 (C) IC 3-9-1-18.  
 10 (15) Fails to comply with section 4(d) of this chapter.  
 11 **(16) Violates IC 3-9-2-14.**  
 12 (b) This subsection applies to a person who is subject to a civil  
 13 penalty under subsection (a)(1) or (a)(2) for filing a defective report or  
 14 statement. If the commission determines that a person failed to file the  
 15 amended report or statement of organization not later than noon five (5)  
 16 days after being given notice under section 14 of this chapter, the  
 17 commission may assess a civil penalty. The penalty is ten dollars (\$10)  
 18 for each day the report is late after the expiration of the five (5) day  
 19 period, not to exceed one hundred dollars (\$100) plus any investigative  
 20 costs incurred and documented by the election division. The civil  
 21 penalty limit under this subsection applies to each report separately.  
 22 (c) This subsection applies to a person who is subject to a civil  
 23 penalty under subsection (a)(1) or (a)(2) for a delinquent report or  
 24 statement. If the commission determines that a person failed to file the  
 25 report or statement of organization by the deadline prescribed under  
 26 this article, the commission shall assess a civil penalty. The penalty is  
 27 fifty dollars (\$50) for each day the report or statement is late, with the  
 28 afternoon of the final date for filing the report or statement being  
 29 calculated as the first day. The civil penalty under this subsection may  
 30 not exceed one thousand dollars (\$1,000) plus any investigative costs  
 31 incurred and documented by the election division. The civil penalty  
 32 limit under this subsection applies to each report separately.  
 33 (d) This subsection applies to a person who is subject to a civil  
 34 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or  
 35 (a)(10). If the commission determines that a person is subject to a civil  
 36 penalty under subsection (a), the commission may assess a civil penalty  
 37 of not more than one thousand dollars (\$1,000), plus any investigative  
 38 costs incurred and documented by the election division.  
 39 (e) This subsection applies to a person who is subject to a civil  
 40 penalty under subsection (a)(5). If the commission determines that a  
 41 person is subject to a civil penalty under subsection (a)(5), the  
 42 commission may assess a civil penalty of not more than three (3) times  
 43 the amount of the contribution in excess of the limit prescribed by  
 44 IC 3-9-2-4, plus any investigative costs incurred and documented by  
 45 the election division.  
 46 (f) This subsection applies to a person who is subject to a civil

1 penalty under subsection (a)(11). If the commission determines that a  
 2 candidate or the candidate's committee has violated IC 3-9-2-12, the  
 3 commission shall assess a civil penalty equal to the greater of the  
 4 following, plus any investigative costs incurred and documented by the  
 5 election division:

6 (1) Two (2) times the amount of any contributions received.

7 (2) One thousand dollars (\$1,000).

8 (g) This subsection applies to a person who is subject to a civil  
 9 penalty under subsection (a)(12). If the commission determines that a  
 10 corporation or a labor organization has failed to designate a  
 11 contribution in violation of IC 3-9-2-5(c), the commission shall assess  
 12 a civil penalty equal to the greater of the following, plus any  
 13 investigative costs incurred and documented by the election division:

14 (1) Two (2) times the amount of the contributions undesignated.

15 (2) One thousand dollars (\$1,000).

16 (h) This subsection applies to a person who is subject to a civil  
 17 penalty under subsection (a)(13). If the commission determines, by  
 18 unanimous vote of the entire membership of the commission, that a  
 19 person has violated IC 3-9-3-5, the commission may assess a civil  
 20 penalty of not more than five hundred dollars (\$500), plus any  
 21 investigative costs incurred and documented by the election division.

22 (i) This subsection applies to a person who is subject to a civil  
 23 penalty under subsection (a)(14). If the commission determines, by  
 24 unanimous vote of the entire membership of the commission, that a  
 25 person has served as the treasurer of a committee in violation of any of  
 26 the statutes listed in subsection (a)(14), the commission may assess a  
 27 civil penalty of not more than five hundred dollars (\$500), plus any  
 28 investigative costs incurred and documented by the election division.

29 (j) This subsection applies to a person who is subject to a civil  
 30 penalty under subsection (a)(15). The commission may assess a civil  
 31 penalty equal to the costs incurred by the election division for the  
 32 manual entry of the data contained in the report or statement, plus any  
 33 investigative costs incurred and documented by the election division.

34 **(k) This subsection applies to a person who is subject to a civil**  
 35 **penalty under subsection (a)(16). If the commission determines that**  
 36 **a person has violated IC 3-9-2-14, the commission shall assess a**  
 37 **civil penalty equal to the greater of the following, plus any**  
 38 **investigative costs incurred and documented by the election**  
 39 **division:**

40 **(1) Two (2) times the amount of any contributions given.**

41 **(2) One thousand dollars (\$1,000).**

42 ~~(k)~~ **(l)** All civil penalties collected under this section shall be  
 43 deposited with the treasurer of state in the campaign finance  
 44 enforcement account.

45 ~~(l)~~ **(m)** Proceedings of the commission under this section are subject  
 46 to IC 4-21.5.

1           SECTION 3. IC 3-14-1-17 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2011]: **Sec. 17. A person who knowingly or intentionally violates**  
4 **IC 3-9-2-14 commits a Class B misdemeanor."**  
5           Renumber all SECTIONS consecutively.  
            (Reference is to HB 1453 as printed February 11, 2011.)

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Representative Pelath