

# SENATE BILL No. 327

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-18.

**Synopsis:** Special group and personalized license plates. Make various changes concerning the issuance of special group recognition license plates by the bureau of motor vehicles. Provides for the bureau of motor vehicles to issue personalized license plates on a five year cycle. (Current law provides for personalized license plates to be issued on an annual basis.)

**Effective:** July 1, 2012.

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### Merritt

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January 9, 2012, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

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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 2011 Regular Session of the General Assembly.

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## SENATE BILL No. 327



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 9-13-2-3.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2012]: **Sec. 3.5. "Applicant", for purposes of IC 9-18-25, has the**  
4 **meaning set forth in IC 9-18-25-1.2.**

5 SECTION 2. IC 9-13-2-49.6 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2012]: **Sec. 49.6. "Eligible individual", for purposes of**  
8 **IC 9-18-25, has the meaning set forth in IC 9-18-25-1.3.**

9 SECTION 3. IC 9-13-2-170, AS AMENDED BY P.L.214-2005,  
10 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2012]: Sec. 170. "Special group" means:

- 12 (1) a class or group of persons that the bureau finds:  
13 **(A) is based, headquartered, or has a chapter in Indiana;**  
14 **(A) have (B) has made broad and significant civic,**  
15 **community, and charitable contributions to the United**  
16 **States; in Indiana, or the group's community or consists of**  
17 **individuals who are descendants of native or pioneer residents**



1 of Indiana;  
 2 **(C) does not discriminate in its membership practices,**  
 3 **activities, or provision of services to its community;**  
 4 ~~(B) are~~ **(D) is** organized as a nonprofit organization (as defined  
 5 under Section 501(c) of the Internal Revenue Code);  
 6 ~~(C) are~~ **(E) is** organized for nonrecreational purposes; and  
 7 ~~(D) are~~ **(F) is** organized as a separate, unique organization or  
 8 as a coalition of separate, unique organizations, **and is**  
 9 **separate from any other organization currently**  
 10 **participating in the special group recognition plate**  
 11 **program;** or  
 12 (2) a National Football League franchised professional football  
 13 team.

14 SECTION 4. IC 9-18-2-47, AS AMENDED BY P.L.87-2010,  
 15 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2012]: Sec. 47. (a) The commissioner shall adopt rules under  
 17 IC 4-22-2 prescribing the cycle for the issuance and replacement of  
 18 license plates under this article. The rules adopted under this section  
 19 shall provide that a license plate for a vehicle issued under this article  
 20 is valid for five (5) years.

21 (b) The rules adopted under this section do not apply to:  
 22 (1) truck license plates issued under section 4.5 or 18 of this  
 23 chapter; **or**  
 24 (2) **the** general assembly and other state official license plates  
 25 issued under IC 9-18-16. ~~and~~  
 26 ~~(3) personalized license plates issued under IC 9-18-15.~~

27 SECTION 5. IC 9-18-15-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A personalized  
 29 license plate may be the same color and size and contain similar  
 30 required information as regular license plates issued for the respective  
 31 class of vehicle.

32 (b) A personalized license plate is limited to the:  
 33 (1) numerals 0 through 9; or  
 34 (2) letters A through Z;  
 35 in a continuous combination of numbers and letters with at least two  
 36 (2) positions.

37 (c) A personalized license plate may not ~~be issued to~~ duplicate a  
 38 regularly issued plate.

39 (d) Only one (1) personalized plate, without regard to classification  
 40 of registration, may be issued by the bureau with the same  
 41 configuration of numbers and letters.

42 SECTION 6. IC 9-18-15-4 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) A person who  
2 applies for:

- 3 (1) a personalized license plate; or  
4 (2) the renewal of a personalized license plate in the subsequent  
5 period;

6 must file an application in the manner the bureau requires, indicating  
7 the combination of letters or numerals, or both, requested. ~~as a~~  
8 ~~registration number.~~

9 (b) The bureau may refuse to issue a combination of letters or  
10 numerals, or both, that:

- 11 (1) carries a connotation offensive to good taste and decency; ~~or~~  
12 (2) would be misleading; **or**

13 **(3) the bureau otherwise deems not proper for issuance.**

14 SECTION 7. IC 9-18-15-5.5, AS ADDED BY P.L.103-2006,  
15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2012]: Sec. 5.5. ~~After December 31, 2006,~~ The bureau shall  
17 issue personalized license plates ~~annually.~~ **on the same five (5) year**  
18 **cycle prescribed for license plates under IC 9-18-2-47.**

19 SECTION 8. IC 9-18-15-8, AS AMENDED BY P.L.2-2005,  
20 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2012]: Sec. 8. (a) If a person has registered a vehicle and has  
22 been issued a personalized license plate for use on a leased vehicle,  
23 and:

- 24 (1) the person cancels the lease; or  
25 (2) the lease expires during the registration year;

26 the person may transfer the registration to another vehicle eligible to be  
27 registered under this chapter.

28 ~~(b) A transfer of a license plate under subsection (a) must take place~~  
29 ~~not more than thirty-one (31) days after the expiration of the lease.~~

30 ~~(c)~~ **(b)** The bureau may reissue the license plate with the  
31 combination of numerals and letters returned under subsection (a) upon  
32 receiving an application for registration under this chapter.

33 SECTION 9. IC 9-18-15-9 IS REPEALED [EFFECTIVE JULY 1,  
34 2012]. ~~Sec. 9. A person who has registered a vehicle with the current~~  
35 ~~year's license plate and applies for a personalized license plate for the~~  
36 ~~same vehicle shall surrender the regular license plate and registration~~  
37 ~~to the bureau when the personalized license plate is delivered to the~~  
38 ~~person.~~

39 SECTION 10. IC 9-18-15-10, AS AMENDED BY P.L.233-2005,  
40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2012]: Sec. 10. (a) In addition to the applicable excise tax  
42 imposed under IC 6-6-5, the regular registration fees, and any

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1 additional fee required to receive a special recognition license plate  
 2 described in section 1(b) of this chapter, a person applying for or  
 3 renewing the registration of a personalized license plate shall pay the  
 4 personalized license plate fee under IC 9-29-5-32.5 upon an original  
 5 application or registration renewal, as provided in this chapter.

6 (b) ~~Each license branch~~ **The bureau** shall collect the personalized  
 7 license plate fee at the time of application or registration renewal for  
 8 the personalized license plate.

9 (c) Upon the payment of the required fee and service charges for an  
 10 original application or renewal of a personalized license plate, the  
 11 bureau shall issue a receipt. ~~designating and acknowledging a state fee~~  
 12 ~~and the service charge under IC 9-29.~~

13 (d) ~~The payment of regular registration fees and excise tax, if~~  
 14 ~~applicable, may be deferred until the time that the personalized license~~  
 15 ~~plate is delivered to the person who applied for the plate.~~

16 (e) ~~A license branch~~ **(d) The bureau** shall collect the service charge  
 17 prescribed under IC 9-29 for each initial or renewal application for a  
 18 personalized license plate as a reservation and special processing fee.

19 SECTION 11. IC 9-18-15-11 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. If a person who  
 21 applies for a personalized license plate with a given configuration of  
 22 letters or numbers is not able to obtain the license plate requested or a  
 23 satisfactory alternative configuration, a ~~license branch~~ **the bureau** shall  
 24 refund the entire **personalized license plate** fee to the person.  
 25 However, a refund of a personalized license plate fee may not be made  
 26 when the person who applies for the personalized license plate cancels  
 27 the request.

28 SECTION 12. IC 9-18-25-1.2 IS ADDED TO THE INDIANA  
 29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2012]: **Sec. 1.2. As used in this chapter,**  
 31 **"applicant" means a person who has submitted a request to**  
 32 **register a vehicle displaying an approved special group recognition**  
 33 **license plate.**

34 SECTION 13. IC 9-18-25-1.3 IS ADDED TO THE INDIANA  
 35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2012]: **Sec. 1.3. As used in this chapter,**  
 37 **"eligible individual" means a person who:**

- 38 (1) **owns a vehicle with a special group recognition license**  
 39 **plate; or**  
 40 (2) **is otherwise able to register a vehicle with a special group**  
 41 **recognition license plate, if approved.**

42 SECTION 14. IC 9-18-25-2 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The bureau shall  
 2 adopt rules under IC 4-22-2 ~~establishing~~ **to establish** the requirements  
 3 to qualify for participation in the special group recognition license plate  
 4 program, **provide for the administration of this chapter, and set the**  
 5 **amount of fees for special group recognition license plates.**

6 (b) Representatives of a special group shall ~~petition~~ **apply to** the  
 7 bureau to qualify for participation in the special group recognition  
 8 license plate program.

9 (c) Each ~~petition application~~ submitted ~~under this section~~ must  
 10 contain the printed name, address, and signature of at least five  
 11 hundred (500) ~~members of the special group~~ **eligible individuals** who  
 12 pledge to purchase the special group recognition license plate if a  
 13 special group recognition license plate is issued for the group under  
 14 this chapter.

15 (d) When a ~~petition~~ **an application** containing the information  
 16 required in ~~subsection (c)~~ **this section** is ~~submitted to~~ **approved by** the  
 17 bureau, the bureau may design and issue a special group recognition  
 18 license plate that designates a vehicle as being registered under this  
 19 chapter by a person (as defined in IC 9-13-2-124) who is a member of,  
 20 **or is otherwise eligible to purchase the plate of,** the special group.

21 SECTION 15. IC 9-18-25-3 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The design of a  
 23 special group recognition license plate issued under this chapter must  
 24 be a distinct design and **must** include an emblem that identifies the  
 25 vehicle as being registered to a person who:

26 (1) is a member; **or**

27 (2) **is otherwise eligible to purchase the plate;**

28 of ~~a~~ **the** special group.

29 (b) A special group license plate must be treated with special  
 30 reflective material designed to increase the visibility and legibility of  
 31 the special group license plate.

32 SECTION 16. IC 9-18-25-5 IS AMENDED TO READ AS  
 33 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. The bureau:

34 (1) shall require representatives of a special group to confer with  
 35 the bureau concerning the design of the emblem that identifies the  
 36 vehicle as being registered to a person who is a member of, **or is**  
 37 **otherwise eligible to purchase the plate of, a the** special group;  
 38 and

39 (2) may request a list of the names and addresses of the persons  
 40 who are

41 (A) members of the special group ~~and~~

42 (B) **or are otherwise eligible for a to purchase the** special

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1 group recognition license plate.

2 SECTION 17. IC 9-18-25-12 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) ~~Except as~~  
4 ~~provided in subsection (c);~~ A vehicle bearing a special group  
5 recognition license plate issued under this chapter may be used ~~only for~~  
6 ~~private and personal purposes.~~ **for any lawful purpose.**

7 (b) A person who does not qualify for the special group recognition  
8 license plate may not display a special group recognition license plate  
9 on a vehicle the person is required to register.

10 (c) A vehicle:

11 (1) owned by a corporation (as defined in IC 6-5.5-1-6); a  
12 municipal corporation (as defined in IC 36-1-2-10); a partnership  
13 (as defined in IC 6-3-1-19); or a sole proprietor; and

14 (2) bearing an environmental license plate issued under  
15 IC 9-18-29;

16 may be used for any lawful purpose.

17 SECTION 18. IC 9-18-25-15 IS AMENDED TO READ AS  
18 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. (a) The bureau  
19 ~~shall may~~ terminate an organization's qualification for the special  
20 group license plate program ~~and no further special group recognition~~  
21 ~~license plates shall be issued for an organization~~ if less than two  
22 thousand (2,000) of the organization's special group license plates are  
23 sold or renewed in the first four (4) years of the five (5) year period  
24 beginning the earlier of January 1, 2002, or January 1 of the year in  
25 which the organization's special group license plate is first issued. The  
26 bureau shall reevaluate ~~the an~~ organization's qualification for the  
27 special group license plate program every five (5) years thereafter. The  
28 bureau ~~shall may~~ terminate ~~the an~~ organization's qualification for the  
29 special group license plate program ~~and no further special group~~  
30 ~~recognition license plates shall be issued for an organization~~ if less than  
31 two thousand (2,000) of the organization's special group license plates  
32 are sold or renewed in the first four (4) years of a subsequent five (5)  
33 year period.

34 (b) **If the bureau terminates an organization's qualification**  
35 **under this section, no further special group recognition license**  
36 **plates shall be issued for the organization unless the organization**  
37 **reapplies and again meets the requirements under section 2 of this**  
38 **chapter.**

39 SECTION 19. IC 9-18-25-17 IS REPEALED [EFFECTIVE JULY  
40 1, 2012]. Sec. 17. (a) ~~This section applies to a special group if at least~~  
41 ~~ten thousand (10,000) of the special group's license plates are issued~~  
42 ~~under this chapter in the first four (4) years of a five (5) year plate cycle~~

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1 beginning after December 31, 2001.

2 (b) Notwithstanding section 3 of this chapter, the representatives of  
3 the special group may petition the bureau to design a distinctive license  
4 plate that identifies a vehicle as being registered to a person who is a  
5 member of the special group.

6 (c) The design of the special group license plate must include a  
7 basic design for the special group recognition license plate with  
8 consecutive numerals or letters, or both, to properly identify the  
9 vehicle.

10 (d) A special group license plate must be treated with special  
11 reflective material designed to increase the visibility and legibility of  
12 the special group license plate.

13 SECTION 20. IC 9-18-25-17.5 IS REPEALED [EFFECTIVE JULY  
14 1, 2012]. Sec. 17.5: (a) This section applies to a special group if at least  
15 five thousand (5,000) of the special group's license plates are issued  
16 under this chapter during one (1) calendar year beginning after  
17 December 31, 2004.

18 (b) Notwithstanding section 2 of this chapter, the representatives of  
19 the special group may petition the bureau to design a distinctive license  
20 plate that identifies a vehicle as being registered to a person who is a  
21 member of the special group.

22 (c) The design of the special group license plate must include a  
23 basic design for the special group recognition license plate with  
24 consecutive numerals or letters, or both, to properly identify the  
25 vehicle.

26 (d) A special group license plate must be treated with special  
27 reflective material designed to increase the visibility and legibility of  
28 the special group license plate.

29 (e) Beginning with the calendar year following the year in which the  
30 representatives petition the bureau under subsection (b), the bureau  
31 shall issue the special group's license plate to a person who is eligible  
32 to register a vehicle under this title who:

33 (1) completes an application for the license plate; and

34 (2) pays the following fees:

35 (A) The appropriate fee under IC 9-29-5-38(a).

36 (B) An annual fee of twenty-five dollars (\$25).

37 (f) The annual fee referred to in subsection (e)(2)(B) shall be  
38 collected by the bureau and deposited in a trust fund for the special  
39 group established under subsection (g). However, the bureau shall  
40 retain two dollars (\$2) for each license plate issued until the cost of  
41 designing and issuing the special group license plate is recovered by  
42 the bureau.



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1 (g) The treasurer of state shall establish a trust fund for each special  
2 group for which the bureau collects fees under this section:

3 (h) The treasurer of state shall invest the money in the fund not  
4 currently needed to meet the obligations of the fund in the same  
5 manner as other public funds are invested: Interest that accrues from  
6 these investments shall be deposited in the fund: Money in the fund is  
7 continuously appropriated for the purposes of this section: Money in  
8 the fund at the end of a state fiscal year does not revert to the state  
9 general fund:

10 (i) The commissioner shall administer the fund: Expenses of  
11 administering the fund shall be paid from money in the fund:

12 (j) On June 30 of each year, the commissioner shall distribute the  
13 money from the fund to the special group for which the bureau has  
14 collected fees under this section:

15 (k) The bureau may not disclose information that identifies the  
16 persons to whom special group license plates have been issued under  
17 this section:

18 SECTION 21. IC 9-18-25-17.7, AS AMENDED BY P.L.87-2010,  
19 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
20 JULY 1, 2012]: Sec. 17.7. (a) Notwithstanding any other law,  
21 representatives of a special group that participates in the special group  
22 recognition plate program may request that the bureau collect an  
23 annual fee of **up to** twenty-five dollars (\$25) on behalf of the special  
24 group.

25 (b) If a request is made under subsection (a), the bureau shall collect  
26 the following fees:

27 (1) The appropriate fee under IC 9-29-5-38(a).

28 (2) An annual fee of **up to** twenty-five dollars (\$25).

29 (c) The annual fee referred to in subsection (b)(2) shall be collected  
30 by the bureau and deposited in a trust fund for the special group  
31 established under subsection (d).

32 (d) The treasurer of state shall establish a trust fund for each special  
33 group for which the bureau collects fees under this section.

34 (e) The treasurer of state shall invest the money in the fund not  
35 currently needed to meet the obligations of the fund in the same  
36 manner as other public funds are invested. ~~Interest that accrues from~~  
37 ~~these investments shall be deposited in the fund:~~ Money in the fund is  
38 continuously appropriated for the purposes of this section. Money in  
39 the fund at the end of a state fiscal year does not revert to the state  
40 general fund.

41 (f) The commissioner shall administer the fund. ~~Expenses of~~  
42 ~~administering the fund shall be paid from money in the fund:~~

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1 (g) ~~Before June 30 of each year,~~ The commissioner shall distribute  
 2 **monthly** the money from the fund to the special group for which the  
 3 bureau has collected fees under this section.

4 (h) Subject to section 18 of this chapter, the bureau may not disclose  
 5 information that identifies the persons to whom special group license  
 6 plates have been issued under this section.

7 (i) If:

8 (1) representatives of a special group have collected an annual fee  
 9 as set forth in subsection (a) from purchasers of the special group  
 10 recognition license plates that was paid directly to the special  
 11 group; and

12 (2) the representatives of the special group request the bureau to  
 13 collect the annual fee on behalf of the special group as set forth in  
 14 subsection (a);

15 representatives of the special group may request the bureau to change  
 16 the method of collection of the annual fee for the following calendar  
 17 year. The representatives of the special group must make a request  
 18 under this subsection by July 1 of the year preceding the year for which  
 19 the change has been requested. The group may request only one (1)  
 20 change in the method of collection in a plate cycle.

21 (j) If:

22 (1) the bureau collects an annual fee as set forth in subsection (a)  
 23 on behalf of a special group; and

24 (2) representatives of the special group request the bureau to  
 25 cease collection of the annual fee as set forth in subsection (a) on  
 26 behalf of the special group as the annual fee will be paid directly  
 27 to the special group by purchasers of the special group  
 28 recognition license plates;

29 representatives of the special group may request the bureau to change  
 30 the method of collection of the annual fee for the following calendar  
 31 year. The representatives of the special group must make a request  
 32 under this subsection by July 1 of the year preceding the year for which  
 33 the change has been requested. The group may request only one (1)  
 34 change in the method of collection in a plate cycle.

35 SECTION 22. IC 9-18-25-18, AS ADDED BY P.L.87-2010,  
 36 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2012]: Sec. 18. (a) This section applies to ~~an application form~~  
 38 **a request** for a special group recognition license plate that:

39 (1) is subject to an annual special group fee; and

40 (2) does not require an applicant to obtain authorization from the  
 41 special group that sponsors the license plate.

42 (b) ~~The application form must include a box for the~~ **An** applicant to

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1 check that states **shall be given** the following:

2 "By checking **opportunity to authorize** the above box, I am

3 authorizing **disclosure of the personal information of the**

4 **applicant when requesting the special group recognition**

5 **license plate, as follows:**

6 "I authorize the bureau of motor vehicles to disclose my personal

7 information included ~~on in~~ this ~~application form to the request~~

8 **for a special group license plate to the special group** that

9 sponsors the license plate for which I am applying. I understand

10 that:

11 (1) the special group may contact me with information about

12 its activities but may not use my personal information

13 primarily for fundraising or solicitation purposes;

14 (2) the bureau will not disclose my personal information to any

15 other person or group; and

16 (3) the special group will not disclose my personal information

17 to any other person or group without my written consent."

18 (c) If an applicant ~~checks the box~~ **authorizes the disclosure of the**

19 **personal information of the applicant** ~~described in~~ **under** subsection

20 (b), the bureau may disclose **the applicant's** personal information

21 ~~about the applicant included on the application form~~ only to the special

22 group that sponsors the license plate.

23 (d) If a special group receives personal information disclosed under

24 subsection (c), the special group:

25 (1) may contact the applicant with information about the special

26 group's activities;

27 (2) may not contact the applicant primarily for fundraising or

28 solicitation purposes; and

29 (3) may not disclose the applicant's personal information to any

30 other person or group without the applicant's written consent.

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