

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	0

MR. SPEAKER:

*Your Committee on Roads and Transportation, to which was referred Senate Bill 563, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 5, delete lines 21 through 41, begin a new paragraph and
- 2 insert:
- 3 "SECTION 8. IC 9-13-2-92, AS AMENDED BY SEA 85-2013,
- 4 SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2013]: Sec. 92. (a) "Law enforcement officer", except as
- 6 provided in subsection (b), includes the following:
- 7 (1) A state police officer.
- 8 (2) A city, town, or county police officer.
- 9 (3) A sheriff.
- 10 (4) A county coroner.
- 11 (5) A conservation officer.
- 12 (6) An individual assigned as a motor carrier inspector under
- 13 IC 10-11-2-26(a).
- 14 (7) A member of a consolidated law enforcement department

1 established under IC 36-3-1-5.1.

2 (8) An excise police officer of the alcohol and tobacco
3 commission.

4 (9) A gaming control officer employed by the gaming control
5 division under IC 4-33-20.

6 **The term refers to a law enforcement officer having jurisdiction in**
7 **Indiana, unless the context clearly refers to a law enforcement**
8 **officer from another state or a territory or federal district of the**
9 **United States.**

10 (b) "Law enforcement officer", for purposes of IC 9-30-6 and
11 IC 9-30-7, has the meaning set forth in IC 35-31.5-2-185."

12 Page 7, delete lines 6 through 24, begin a new paragraph and insert:

13 "SECTION 14. IC 9-13-2-127, AS AMENDED BY SEA 85-2013,
14 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2013]: Sec. 127. (a) "Police officer" means, except as
16 provided in subsection (b), the following:

- 17 (1) A regular member of the state police department.
- 18 (2) A regular member of a city or town police department.
- 19 (3) A town marshal or town marshal deputy.
- 20 (4) A regular member of a county sheriff's department.
- 21 (5) A conservation officer of the department of natural resources.
- 22 (6) An individual assigned as a motor carrier inspector under
- 23 IC 10-11-2-26(a).
- 24 (7) An excise police officer of the alcohol and tobacco
- 25 commission.
- 26 (8) A gaming control officer employed by the gaming control
- 27 division under IC 4-33-20.

28 **The term refers to a police officer having jurisdiction in Indiana,**
29 **unless the context clearly refers to a police officer from another**
30 **state or a territory or federal district of the United States.**

31 (b) "Police officer", for purposes of IC 9-21, means an officer
32 authorized to direct or regulate traffic or to make arrests for violations
33 of traffic regulations."

34 Page 11, between lines 8 and 9, begin a new paragraph and insert:

35 "SECTION 23. IC 9-17-3-3, AS AMENDED BY P.L.1-2009,
36 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2013]: Sec. 3. (a) If a vehicle for which a certificate of title
38 has been issued is sold or if the ownership of the vehicle is transferred

1 in any manner other than by a transfer on death conveyance under
2 section 9 of this chapter, the person who holds the certificate of title
3 must do the following:

4 (1) Endorse on the certificate of title an assignment of the
5 certificate of title with warranty of title, in a form printed on the
6 certificate of title, with a statement describing all liens or
7 encumbrances on the vehicle.

8 (2) Except as provided in subdivisions (4) and (5), deliver the
9 certificate of title to the purchaser or transferee at the time of the
10 sale or delivery to the purchaser or transferee of the vehicle, if the
11 purchaser or transferee has made all agreed upon initial payments
12 for the vehicle, including delivery of a trade-in vehicle without
13 hidden or undisclosed statutory liens.

14 (3) Unless the vehicle is being sold or transferred to a dealer
15 licensed under IC 9-23-2, complete all information concerning the
16 purchase on the certificate of title, including, but not limited to:

17 (A) the name and address of the purchaser; and

18 (B) the sale price of the vehicle.

19 ~~(4) In the case of a sale or transfer between vehicle dealers~~
20 ~~licensed by this state or another state, deliver the certificate of~~
21 ~~title within twenty-one (21) days after the date of the sale or~~
22 ~~transfer.~~

23 ~~(5) Deliver the certificate of title to the purchaser or transferee~~
24 ~~within twenty-one (21) days after the date of sale or transfer to the~~
25 ~~purchaser or transferee of the vehicle, if all of the following~~
26 ~~conditions exist:~~

27 ~~(A) The seller or transferor is a vehicle dealer licensed by the~~
28 ~~state under IC 9-23.~~

29 ~~(B) The vehicle dealer is not able to deliver the certificate of~~
30 ~~title at the time of sale or transfer.~~

31 ~~(C) The vehicle dealer reasonably believes that it will be able~~
32 ~~to deliver the certificate of title, without a lien or an~~
33 ~~encumbrance on the certificate of title, within the twenty-one~~
34 ~~(21) day period.~~

35 ~~(D) The vehicle dealer provides the purchaser or transferee~~
36 ~~with an affidavit under section 3-1 of this chapter.~~

37 ~~(E) The purchaser or transferee has made all agreed upon~~
38 ~~initial payments for the vehicle, including delivery of a~~

1 trade-in vehicle without hidden or undisclosed statutory liens:

2 (b) A licensed dealer may offer for sale a vehicle for which the
3 dealer does not possess a certificate of title, if the dealer can comply
4 with subsection (a)(4) or (a)(5) at the time of the sale:

5 (c) A vehicle dealer who fails to deliver a certificate of title within
6 the time specified under this section is subject to the following civil
7 penalties:

8 (1) One hundred dollars (\$100) for the first violation:

9 (2) Two hundred fifty dollars (\$250) for the second violation:

10 (3) Five hundred dollars (\$500) for all subsequent violations:

11 Payment shall be made to the secretary of state and deposited in the
12 state general fund. In addition, if a purchaser or transferee does not
13 receive a valid certificate of title within the time specified by this
14 section, the purchaser or transferee shall have the right to return the
15 vehicle to the vehicle dealer ten (10) days after giving the vehicle
16 dealer written notice demanding delivery of a valid certificate of title
17 and the dealer's failure to deliver a valid certificate of title within that
18 ten (10) day period. Upon return of the vehicle to the dealer in the same
19 or similar condition as delivered to the purchaser or transferee under
20 this section, the vehicle dealer shall pay to the purchaser or transferee
21 the purchase price plus sales taxes, finance expenses, insurance
22 expenses, and any other amount paid to the dealer by the purchaser:

23 (d) For purposes of this subsection, "timely deliver", with respect to
24 a third party, means to deliver to the purchaser or transferee with a
25 postmark dated or hand delivered not more than ten (10) business days
26 after there is no obligation secured by the vehicle. If the dealer's
27 inability to timely deliver a valid certificate of title results from the acts
28 or omissions of a third party who has failed to timely deliver a valid
29 certificate of title to the dealer, the dealer is entitled to claim against
30 the third party one hundred dollars (\$100). If:

31 (1) the dealer's inability to timely deliver a valid certificate of title
32 results from the acts or omissions of a third party who has failed
33 to timely deliver the certificate of title in the third party's
34 possession to the dealer; and

35 (2) the failure continues for ten (10) business days after the dealer
36 gives the third party written notice of the failure;

37 the dealer is entitled to claim against the third party all damages
38 sustained by the dealer in rescinding the dealer's sale with the

1 AFFIDAVIT:

2 _____

3 Customer Signature

4 NOTICE TO THE CUSTOMER

5 If you do not receive a valid certificate of title within the time
6 specified by this affidavit, you have the right to return the vehicle to the
7 vehicle dealer ten (10) days after giving the vehicle dealer written
8 notice demanding delivery of a valid certificate of title and after the
9 vehicle dealer's failure to deliver a valid certificate of title within that
10 ten (10) day period. Upon return of the vehicle to the vehicle dealer in
11 the same or similar condition as when it was delivered to you, the
12 vehicle dealer shall pay you the purchase price plus sales taxes, finance
13 expenses, insurance expenses, and any other amount that you paid to
14 the vehicle dealer.

15 If a lien is present on the previous owner's certificate of title, it is the
16 responsibility of the third party lienholder to timely deliver the
17 certificate of title in the third party's possession to the dealer not more
18 than ten (10) business days after there is no obligation secured by the
19 vehicle. If the dealer's inability to deliver a valid certificate of title to
20 you within the above-described ten (10) day period results from the
21 acts or omissions of a third party who has failed to timely deliver the
22 certificate of title in the third party's possession to the dealer, the dealer
23 may be entitled to claim against the third party the damages allowed by
24 law."

25 Page 11, between lines 33 and 34, begin a new paragraph and insert:

26 "SECTION 26. IC 9-17-3-7, AS AMENDED BY P.L.131-2008,
27 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2013]: Sec. 7. (a) This section does not apply to section 5 of
29 this chapter.

30 (b) Except as provided in subsection (c), a person who violates this
31 chapter commits a Class C infraction.

32 (c) A person who knowingly or intentionally violates:

33 (1) section 3(a)(1) or 3(a)(2) ~~3(a)(4)~~, or ~~3(a)(5)~~ of this chapter
34 commits a Class B misdemeanor; or

35 (2) section 3(a)(3) of this chapter commits:

36 (A) a Class A misdemeanor for the first violation; or

37 (B) a Class D felony for the second violation or any
38 subsequent violation."

1 Page 19, between lines 34 and 35, begin a new paragraph and insert:
 2 "SECTION 48. IC 9-17-8-1, AS AMENDED BY P.L.147-2009,
 3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2013]: Sec. 1. A ~~manufacturer; a converter manufacturer; an~~
 5 ~~automotive mobility dealer; a dealer; or other~~ person may not sell or
 6 otherwise dispose of a new motor vehicle to another person, to be used
 7 by the other person for purposes of display or resale, without delivering
 8 to the other person a manufacturer's certificate of origin under this
 9 chapter that indicates the assignments of the certificate of origin
 10 necessary to show the ownership of the title to a person who purchases
 11 the motor vehicle.

12 SECTION 49. IC 9-17-8-5 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. ~~(a) If a dealer~~
 14 ~~purchases or acquires ownership of a:~~

- 15 ~~(1) motor vehicle;~~
 16 ~~(2) semitrailer; or~~
 17 ~~(3) recreational vehicle;~~

18 ~~in a state that does not have a certificate of title law; the dealer shall~~
 19 ~~apply for an Indiana certificate of title for the motor vehicle;~~
 20 ~~semitrailer; or recreational vehicle not more than thirty-one (31) days~~
 21 ~~from the date of purchase or the date ownership of the motor vehicle;~~
 22 ~~semitrailer; or recreational vehicle was acquired.~~

23 ~~(b) The bureau shall collect a delinquent title fee as provided in~~
 24 ~~IC 9-29 if a dealer fails to apply for certificate of title for a motor~~
 25 ~~vehicle, semitrailer, or recreational vehicle as described under~~
 26 ~~subsection (a)."~~

27 Page 41, line 20, strike "abandoned".

28 Page 41, line 20, after "vehicle" insert "**believed to be abandoned**".

29 Renumber all SECTIONS consecutively.

(Reference is to SB 563 as reprinted February 19, 2013.)

and when so amended that said bill do pass.

Representative Soliday