
HOUSE BILL No. 1441

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-22-5; IC 25-37.5-1; IC 35-51-9-1.

Synopsis: Valuable metal and scrap vehicles. Provides that before a person sells, gives away, or disposes of a vehicle for scrap metal the person shall give the automobile scrapyard: (1) a certificate of authority for the vehicle; or (2) a certificate of title for the vehicle. Provides that a person who knowingly or intentionally purchases or accepts a vehicle with intent to scrap or dismantle the vehicle without obtaining: (1) a certificate of authority for the vehicle; or (2) a certificate of title for the vehicle; commits a Class B misdemeanor. Provides for certain conditions that must be satisfied, including documentation, before a valuable metal dealer may purchase an air conditioner evaporator coil or condenser or a catalytic converter. Provides that compliance with regulation of sales to valuable metal dealers does not preclude prosecution for a criminal offense concerning the sale of valuable metal. Makes technical corrections and conforming changes.

Effective: July 1, 2013.

Moed, McMillin, Pelath

January 23, 2013, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1441



A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

- 1 SECTION 1. IC 9-22-5-18 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2013]: **Sec. 18. Before a person sells a vehicle to, gives a vehicle**
- 4 **to, or disposes of a vehicle with an automobile scrapyard, the**
- 5 **person shall give the automobile scrapyard:**
- 6 **(1) a certificate of authority for the vehicle that:**
- 7 **(A) is issued by the bureau under this chapter; and**
- 8 **(B) authorizes the scrapping or dismantling of the vehicle;**
- 9 **or**
- 10 **(2) a certificate of title for the vehicle issued by the bureau**
- 11 **under IC 9-17-3.**
- 12 SECTION 2. IC 9-22-5-19 IS ADDED TO THE INDIANA CODE
- 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 14 1, 2013]: **Sec. 19. A person who knowingly or intentionally:**
- 15 **(1) violates section 18 of this chapter; or**
- 16 **(2) purchases or accepts a vehicle with intent to scrap or**
- 17 **dismantle the vehicle without obtaining a certificate of**



1 authority described in section 18(1) of this chapter or a
 2 certificate of title issued by the bureau under IC 9-17-3 from
 3 the person who sells, gives away, or disposes of the vehicle;
 4 commits a Class B misdemeanor.

5 SECTION 3. IC 25-37.5-1-0.1 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2013]: Sec. 0.1. As used in this chapter,
 8 "automotive salvage rebuilder" has the meaning set forth in
 9 IC 9-13-2-9.

10 SECTION 4. IC 25-37.5-1-0.4 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2013]: Sec. 0.4. As used in this chapter,
 13 "disposal facility" has the meaning set forth in IC 9-13-2-44.

14 SECTION 5. IC 25-37.5-1-0.8 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2013]: Sec. 0.8. As used in this chapter, "used
 17 parts dealer" has the meaning set forth in IC 9-13-2-195.

18 SECTION 6. IC 25-37.5-1-2, AS AMENDED BY P.L.134-2012,
 19 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2013]: Sec. 2. (a) Except as provided in section 5 of this
 21 chapter, every valuable metal dealer in this state shall enter on forms
 22 provided under section 6 of this chapter by the state police department
 23 for each purchase of valuable metal the following information:

- 24 (1) The name and address of the **valuable metal** dealer.
- 25 (2) The date and place of each purchase.
- 26 (3) The name, address, age, and driver's license number or Social
 27 Security number of the person or persons from whom the valuable
 28 metal was purchased.
- 29 (4) The valuable metal dealer shall verify the identity of the
 30 person from whom the valuable metal was purchased by use of a
 31 government issued photographic identification. The **valuable**
 32 **metal** dealer shall enter on the form the type of government
 33 issued photographic identification used to verify the identity of
 34 the person from whom the valuable metal was purchased, together
 35 with the:
 - 36 (A) name of the government agency that issued the
 37 photographic identification; and
 - 38 (B) identification number present on the government issued
 39 photographic identification.
- 40 (5) The motor vehicle license number of the vehicle or
 41 conveyance on which the valuable metal was delivered to the
 42 **valuable metal** dealer.

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- 1 (6) The price paid for the metal.
 2 (7) A description and weight of the valuable metal purchased.
 3 (8) The source of the valuable metal.
 4 (9) The photograph described in subsection (b).

5 After entering the information required in this subsection, the valuable
 6 metal dealer shall require the person or persons from whom the
 7 valuable metal is purchased to sign the form and verify its accuracy.

8 (b) In addition to collecting the information described in subsection
 9 (a), a valuable metal dealer shall take a photograph of:

- 10 (1) the person from whom the valuable metal is being purchased;
 11 and
 12 (2) the valuable metal.

13 **(c) In addition to the requirements of subsections (a) and (b), a**
 14 **valuable metal dealer shall keep a copy of the:**

- 15 **(1) bill of sale or other written documentation submitted by a**
 16 **person attempting to sell an air conditioner evaporator coil or**
 17 **condenser under section 8(c) of this chapter; and**
 18 **(2) written documentation produced by a person attempting**
 19 **to sell a catalytic converter required by section 9(b) of this**
 20 **chapter.**

21 ~~(e)~~ **(d)** A valuable metal dealer shall make and retain a copy of the
 22 government issued photographic identification described under
 23 subsection (a)(4) used to verify the identity of the person from whom
 24 valuable metal was purchased and the photograph described in
 25 subsection (b). However, a valuable metal dealer is not required to
 26 make a copy of a government issued photographic identification used
 27 under subsection (a)(4) to verify the identity of the person from whom
 28 valuable metal is purchased if the valuable metal dealer has retained a
 29 copy of a person's government issued photographic identification from
 30 a prior purchase from the person by the valuable metal dealer.

31 ~~(d)~~ **(e)** The completed form, the photograph described in subsection
 32 (b), **the copy of the bill of sale or other written documentation**
 33 **required by subsection (c),** and the copy of the government issued
 34 photographic identification described in subsection ~~(e)~~ **(d)** shall be kept
 35 in a separate book or register by the **valuable metal** dealer and shall be
 36 retained for a period of two (2) years. This book or register shall be
 37 made available for inspection by any law enforcement official at any
 38 time.

39 ~~(e)~~ **(f)** A valuable metal dealer may not accept a damaged or an
 40 undamaged metal beer keg if either of the following applies:

- 41 (1) The keg is clearly marked as the property of a brewery
 42 manufacturer.

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1 (2) The keg's identification markings have been made illegible.
 2 SECTION 7. IC 25-37.5-1-4 IS AMENDED TO READ AS
 3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. Except as provided
 4 in section 5 of this chapter, every **valuable metal** dealer shall hold
 5 each purchase of valuable metal requiring notification for at least five
 6 (5) working days from the date of notification:

7 (1) at ~~his~~ the regular place of business **of the valuable metal**
 8 **dealer**; and

9 (2) separate and apart, so that it is readily identifiable from all
 10 other purchases.

11 During this period, a **valuable metal** dealer may not change the form
 12 of the valuable metal and shall permit any law enforcement officer to
 13 make inspection of the valuable metal purchased.

14 SECTION 8. IC 25-37.5-1-5 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. The provisions of
 16 sections 2 and 3 of this chapter do not apply to purchases from persons,
 17 firms, limited liability companies, or corporations regularly engaged in
 18 the business of manufacturing valuable metals, the business of selling
 19 valuable metals at retail or wholesale, to the purchase of one valuable
 20 metal dealer from another or the purchase from persons, firms, limited
 21 liability companies, or corporations engaged in either the generation,
 22 transmission, or distribution of electric energy or in telephone,
 23 telegraph, and other communications if such persons, firms, limited
 24 liability companies, or corporations at the time of purchase provide the
 25 **valuable metal** dealer with a bill of sale or other written evidence of
 26 title to the valuable metal.

27 SECTION 9. IC 25-37.5-1-7 IS AMENDED TO READ AS
 28 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. **(a) A valuable**
 29 **metal** dealer who fails to comply with this chapter commits a Class A
 30 infraction.

31 **(b) A person that sells or attempts to sell valuable metal to a**
 32 **valuable metal dealer that fails to comply with this chapter**
 33 **commits a Class A infraction.**

34 **(c) Compliance with this chapter does not preclude prosecution**
 35 **for a criminal offense.**

36 SECTION 10. IC 25-37.5-1-8 IS ADDED TO THE INDIANA
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2013]: Sec. 8. **(a) A valuable metal dealer**
 39 **may not purchase an air conditioner evaporator coil or condenser,**
 40 **in whole or in part, for sale as valuable metal unless the valuable**
 41 **metal dealer purchases the air conditioner evaporator coil or**
 42 **condenser from a person who:**

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1 **(1) is an authorized agent, representative, or employee of a**
 2 **heating, ventilation, or air conditioning contractor; or**
 3 **(2) is engaged in the business of heating, ventilation, or air**
 4 **conditioning repair;**
 5 **and who acquired the air conditioner evaporator coil or condenser**
 6 **in the performance of the business described in subdivision (1) or**
 7 **(2).**

8 **(b) A person attempting to sell an air conditioner evaporator**
 9 **coil or condenser under subsection (a) to a valuable metal dealer**
 10 **must produce written documentation to the valuable metal dealer**
 11 **that reasonably demonstrates that the person is an authorized**
 12 **agent, representative, or employee of a heating, ventilation, or air**
 13 **conditioning contractor or is engaged in the business of heating,**
 14 **ventilation, or air conditioning repair.**

15 **(c) A person attempting to sell an air conditioner evaporator**
 16 **coil or condenser under this section must show the valuable metal**
 17 **dealer a bill of sale or other written documentation that shows that**
 18 **the air conditioner evaporator coil or condenser lawfully came into**
 19 **the possession of the person attempting to sell the air conditioner**
 20 **evaporator coil or condenser to the valuable metal dealer.**

21 **(d) Compliance with this section does not relieve a person from**
 22 **compliance with any other section of this chapter.**

23 SECTION 11. IC 25-37.5-1-9 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2013]: **Sec. 9. (a) A person may not sell or**
 26 **attempt to sell, and a valuable metal dealer may not purchase or**
 27 **attempt to purchase, a catalytic converter, in whole or in part, as**
 28 **valuable metal when the catalytic converter is not attached to a**
 29 **motor vehicle at the time of the sale or attempted sale, unless the**
 30 **seller is a used parts dealer or an automotive repair company.**

31 **(b) Subsection (a) does not apply when the seller produces to the**
 32 **valuable metal dealer:**

- 33 **(1) a certificate of title;**
 34 **(2) a certificate of registration;**
 35 **(3) a certificate of authority under IC 9-22-5; or**
 36 **(4) a receipt from a transaction of repair;**

37 **for the motor vehicle from which the catalytic converter was taken.**

38 **(c) Compliance with this section does not relieve a person from**
 39 **compliance with any other section of this chapter.**

40 SECTION 12. IC 25-37.5-1-10 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2013]: **Sec. 10. Sections 8 and 9 of this**

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1 **chapter do not apply to commercial transactions between entities**
2 **licensed by the secretary of state under IC 9-22-4 as:**

- 3 **(1) automotive salvage rebuilders;**
- 4 **(2) disposal facilities; or**
- 5 **(3) used parts dealers.**

6 SECTION 13. IC 35-51-9-1, AS AMENDED BY P.L.125-2012,
7 SECTION 417, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2013]: Sec. 1. The following statutes define
9 crimes in IC 9:

- 10 IC 9-14-3.5-15 (Concerning bureau of motor vehicles).
- 11 IC 9-14-5-9 (Concerning parking placards for persons with
- 12 physical disabilities).
- 13 IC 9-17-2-15 (Concerning certificates of title).
- 14 IC 9-17-2-16 (Concerning certificates of title).
- 15 IC 9-17-3-3.2 (Concerning certificates of title).
- 16 IC 9-17-3-7 (Concerning certificates of title).
- 17 IC 9-17-4-6 (Concerning certificates of title).
- 18 IC 9-18-2-42 (Concerning motor vehicle registration and license
- 19 plates).
- 20 IC 9-18-2-44 (Concerning motor vehicle registration and license
- 21 plates).
- 22 IC 9-18-2-45 (Concerning motor vehicle registration and license
- 23 plates).
- 24 IC 9-18-4-8 (Concerning motor vehicle registration and license
- 25 plates).
- 26 IC 9-18-8-11 (Concerning motor vehicle registration and license
- 27 plates).
- 28 IC 9-18-8-12 (Concerning motor vehicle registration and license
- 29 plates).
- 30 IC 9-18-8-13 (Concerning motor vehicle registration and license
- 31 plates).
- 32 IC 9-18-8-14 (Concerning motor vehicle registration and license
- 33 plates).
- 34 IC 9-18-8-15 (Concerning motor vehicle registration and license
- 35 plates).
- 36 IC 9-18-13-9 (Concerning motor vehicle registration and license
- 37 plates).
- 38 IC 9-18-22-6 (Concerning motor vehicle registration and license
- 39 plates).
- 40 IC 9-18-26-11 (Concerning motor vehicle registration and license
- 41 plates).
- 42 IC 9-18-26-13 (Concerning motor vehicle registration and license

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- 1 plates).
 2 IC 9-18-27-9 (Concerning motor vehicle registration and license
 3 plates).
 4 IC 9-19-9-5 (Concerning motor vehicle equipment).
 5 IC 9-19-10.5-4 (Concerning motor vehicle equipment).
 6 IC 9-19-10.5-5 (Concerning motor vehicle equipment).
 7 IC 9-20-18-4 (Concerning motor vehicle size and weight
 8 regulation).
 9 IC 9-21-5-13 (Concerning traffic regulation).
 10 IC 9-21-6-3 (Concerning traffic regulation).
 11 IC 9-21-8-50 (Concerning traffic regulation).
 12 IC 9-21-8-52 (Concerning traffic regulation).
 13 IC 9-21-8-55 (Concerning traffic regulation).
 14 IC 9-21-8-56 (Concerning traffic regulation).
 15 IC 9-21-8-58 (Concerning traffic regulation).
 16 IC 9-21-12-9 (Concerning traffic regulation).
 17 IC 9-21-12-11 (Concerning traffic regulation).
 18 IC 9-22-1-21.5 (Concerning liens for vehicles).
 19 IC 9-22-3-31 (Concerning abandoned, salvaged, and scrap
 20 vehicles).
 21 IC 9-22-3-32 (Concerning abandoned, salvaged, and scrap
 22 vehicles).
 23 IC 9-22-3-33 (Concerning abandoned, salvaged, and scrap
 24 vehicles).
 25 **IC 9-22-5-19 (Concerning scrapping and dismantling**
 26 **vehicles).**
 27 IC 9-22-6-3 (Concerning mechanic's liens for vehicles).
 28 IC 9-23-6-1 (Concerning vehicle manufacturers, distributors, and
 29 dealers).
 30 IC 9-24-1-8 (Concerning driver's licenses).
 31 IC 9-24-6-16 (Concerning driver's licenses).
 32 IC 9-24-6-17 (Concerning driver's licenses).
 33 IC 9-24-11-8 (Concerning driver's licenses).
 34 IC 9-24-15-11 (Concerning driver's licenses).
 35 IC 9-24-16-12 (Concerning driver's licenses).
 36 IC 9-24-16-13 (Concerning driver's licenses).
 37 IC 9-24-18-1 (Concerning driver's licenses).
 38 IC 9-24-18-2 (Concerning driver's licenses).
 39 IC 9-24-18-7 (Concerning driver's licenses).
 40 IC 9-24-19-2 (Concerning driver's licenses).
 41 IC 9-24-19-3 (Concerning driver's licenses).
 42 IC 9-24-19-4 (Concerning driver's licenses).

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- 1 IC 9-25-6-18 (Concerning financial responsibility).
- 2 IC 9-25-8-2 (Concerning financial responsibility).
- 3 IC 9-26-1-8 (Concerning accidents and accident reports).
- 4 IC 9-26-1-9 (Concerning accidents and accident reports).
- 5 IC 9-26-6-4 (Concerning accidents and accident reports).
- 6 IC 9-30-4-7 (Concerning licenses and registrations).
- 7 IC 9-30-4-8 (Concerning licenses and registrations).
- 8 IC 9-30-4-13 (Concerning licenses and registrations).
- 9 IC 9-30-5-1 (Concerning operating a vehicle while intoxicated).
- 10 IC 9-30-5-2 (Concerning operating a vehicle while intoxicated).
- 11 IC 9-30-5-3 (Concerning operating a vehicle while intoxicated).
- 12 IC 9-30-5-4 (Concerning operating a vehicle while intoxicated).
- 13 IC 9-30-5-5 (Concerning operating a vehicle while intoxicated).
- 14 IC 9-30-5-7 (Concerning operating a vehicle while intoxicated).
- 15 IC 9-30-5-8 (Concerning operating a vehicle while intoxicated).
- 16 IC 9-30-6-8.7 (Concerning implied consent).
- 17 IC 9-30-9-7.5 (Concerning alcohol abuse deterrent programs).
- 18 IC 9-30-10-16 (Concerning habitual violator of traffic laws).
- 19 IC 9-30-10-17 (Concerning habitual violator of traffic laws).
- 20 IC 9-30-10-17.5 (Concerning habitual violator of traffic laws).
- 21 IC 9-31-2-26 (Concerning watercraft titling and registration).
- 22 IC 9-31-2-27 (Concerning watercraft titling and registration).
- 23 IC 9-31-2-28 (Concerning watercraft titling and registration).

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