

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.

SENATE ENROLLED ACT No. 277

AN ACT to amend the Indiana Code concerning trade regulation.

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

SECTION 1. IC 24-5-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1. This chapter applies to all:

- (1) motor vehicles that are sold, leased, transferred, or replaced by a dealer or manufacturer in Indiana; **and**
- (2) **methamphetamine vehicles that are sold, leased, transferred, or replaced by a dealer or seller in Indiana.**

SECTION 2. IC 24-5-13-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 3.1. As used in this chapter, "dealer" has the meaning set forth in IC 9-13-2-42.**

SECTION 3. IC 24-5-13-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 4.1. As used in this chapter, "methamphetamine vehicle" means any motor vehicle subject to registration and certificate of title provisions in which methamphetamine has been manufactured within the previous two (2) years. For the purposes of this chapter, a methamphetamine vehicle suffers from a nonconformity.**

SECTION 4. IC 24-5-13-6.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 6.1. As used in this chapter, "seller" means a person**

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who:

- (1) sells, leases, exchanges, or transfers; or
- (2) solicits a sale, lease, exchange, or transfer of;
a methamphetamine vehicle to a buyer.

SECTION 5. IC 24-5-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. **This section does not apply to a methamphetamine vehicle.** As used in this chapter, "term of protection" means a period of time that:

- (1) begins:
 - (A) on the date of original delivery of a motor vehicle to a buyer; or
 - (B) in the case of a replacement vehicle provided by a manufacturer to a buyer under this chapter, on the date of delivery of the replacement vehicle to the buyer; and
- (2) ends the earlier of:
 - (A) eighteen (18) months after the date identified under subdivision (1); or
 - (B) the time the motor vehicle has been driven eighteen thousand (18,000) miles after the date identified under subdivision (1).

SECTION 6. IC 24-5-13-16.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 16.1. (a) If a dealer or seller knows or reasonably should know that a motor vehicle is a methamphetamine vehicle, the dealer or seller shall disclose, in writing, to the buyer, prospective buyer, lessee, or prospective lessee that the motor vehicle is a methamphetamine vehicle.**

(b) The written disclosure required under subsection (a) shall be provided before the dealer or seller sells, leases, exchanges, transfers, or accepts payment from a buyer, prospective buyer, lessee, or prospective lessee.

(c) A dealer may include a decontamination report or other relevant document with the written disclosure required under subsection (a).

SECTION 7. IC 24-5-13-16.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 16.2. (a) In addition to any other remedy or penalty provided in this chapter, if a dealer or seller fails to make a disclosure required under section 16.1 of this chapter, a buyer or lessee may bring a civil action against the dealer or seller.**

(b) In an action brought by a buyer or lessee under this section,



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a court may order a dealer or seller to perform either of the following:

(1) Decontaminate or contract for the decontamination of the methamphetamine vehicle in accordance with and to a standard set forth under 318 IAC 1.

(2) Reimburse a buyer or lessee who incurred damages or expenses to remediate or decontaminate a methamphetamine vehicle to address the nonconformity.

(c) In addition to the remedies described in subsection (b), a court may award liquidated damages to a buyer or lessee in an amount not to exceed ten thousand dollars (\$10,000).

(d) This section does not eliminate or abrogate existing tort remedies that may be available to a buyer or lessee.

SECTION 8. IC 24-5-13-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 23. (a) **This subsection does not apply to an action concerning a violation of section 16.1 of this chapter.** An action brought under this chapter must be commenced within two (2) years following the date the buyer first reports the nonconformity to the manufacturer, its agent, or authorized dealer.

(b) **This subsection does not apply to an action concerning a violation of section 16.1 of this chapter.** When the buyer has commenced an informal dispute settlement procedure described in section 19 of this chapter, the two (2) year period specified in subsection (a) is tolled during the time the informal dispute settlement procedure is being conducted.

(c) **An action concerning a violation of section 16.1 of this chapter must be commenced within two (2) years following the date of the violation.**

SECTION 9. IC 24-5-13-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 24. **This section does not apply to a transaction or solicited transaction relating to a methamphetamine vehicle.** Nothing in this chapter imposes any liability on a dealer or creates a cause of action by a consumer against a dealer, and a manufacturer may not, directly or indirectly, expose any franchised dealer to liability under this chapter.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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