

Proposed Rule
LSA Document #16-433

DIGEST

Amends [75 IAC 3-1-1](#), [75 IAC 3-1-3](#), [75 IAC 3-1-5](#), [75 IAC 3-1-6](#), [75 IAC 3-1-7](#), [75 IAC 3-1-8](#), [75 IAC 3-1-9](#), [75 IAC 3-1-10](#), [75 IAC 3-1-14](#), and [75 IAC 3-1-16](#) and adds [75 IAC 3-1-2.1](#), [75 IAC 3-1-10.1](#), [75 IAC 3-1-10.2](#), and [75 IAC 3-1-10.3](#), concerning salvage vehicles and automotive salvage recyclers, to amend references to the bureau of motor vehicles to now refer to the secretary of state, correct outdated statutory references, and amend definitions to refer to statutory definitions of the same terms; amend record keeping requirements for automotive salvage recyclers that purchase or sell salvage vehicles or major component parts; clarify requirements for license application and add requirements regarding an automotive salvage recycler's established place of business; and clarify requirements for license renewal. Repeals [75 IAC 3-1-2](#), [75 IAC 3-1-4](#), [75 IAC 3-1-11](#), [75 IAC 3-1-12](#), [75 IAC 3-1-13](#), and [75 IAC 3-1-15](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[75 IAC 3-1-1](#); [75 IAC 3-1-2](#); [75 IAC 3-1-2.1](#); [75 IAC 3-1-3](#); [75 IAC 3-1-4](#); [75 IAC 3-1-5](#); [75 IAC 3-1-6](#); [75 IAC 3-1-7](#); [75 IAC 3-1-8](#); [75 IAC 3-1-9](#); [75 IAC 3-1-10](#); [75 IAC 3-1-10.1](#); [75 IAC 3-1-10.2](#); [75 IAC 3-1-10.3](#); [75 IAC 3-1-11](#); [75 IAC 3-1-12](#); [75 IAC 3-1-13](#); [75 IAC 3-1-14](#); [75 IAC 3-1-15](#); [75 IAC 3-1-16](#)

SECTION 1. [75 IAC 3-1-1](#) IS AMENDED TO READ AS FOLLOWS:

ARTICLE 3. SALVAGE VEHICLE REGULATIONS

Rule 1. Salvage Vehicle Regulations

[75 IAC 3-1-1 Purpose](#)

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-13-2](#); [IC 9-22](#); [IC 9-32](#)

Sec. 1. The purpose of these regulations is to provide procedures and directives to facilitate the administration by the ~~Bureau of Motor Vehicles~~ **secretary of state** of issuing licenses to ~~disposal facilities and automotive salvage rebuilders~~ **recyclers** for certain business activities involving, or related to, the acquisition, **sale**, rebuilding, recycling, **destruction**, or disposal of salvage or ~~distressed motor vehicles~~ and major component parts of such vehicles. These rules and regulations are promulgated pursuant to the authority granted to the ~~Commissioner of Motor Vehicles~~ **secretary of state** under ~~[IC 9-14-2-2](#)~~ [IC 9-32-3-1](#).

(Secretary of State; [75 IAC 3-1-1](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 903; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-1](#)) to the Secretary of State ([75 IAC 3-1-1](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 2. [75 IAC 3-1-2.1](#) IS ADDED TO READ AS FOLLOWS:

[75 IAC 3-1-2.1 Definitions](#)

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-13-2](#); [IC 9-22](#); [IC 9-32](#)

Sec. 2.1. The following definitions apply throughout this article:

- (1) "Automotive salvage recycler" has the meaning set forth in [IC 9-13-2-10](#).
- (2) "Center section" means a body section or clip of a motor vehicle that includes the cowl.
- (3) "Front end assembly" means the front body section of a motor vehicle consisting of hood, fenders, radiator support, and bumper assembly, as a unit.
- (4) "Major component parts" has the meaning set forth in [IC 9-13-2-95](#). Those major component parts that have been rebuilt, reconditioned, or restored by a production rebuilder acquiring such parts for

refurbishing purposes shall not be subject to the provisions of this rule.

(5) "Model year" means the year designated by the manufacturer for production and product identification purposes that is used for titling, registration, and record keeping purposes.

(6) "Rear section" means a body section or clip of a motor vehicle, without the cowl, consisting of quarter sections, deck lid, and bumper assembly, as a unit.

(7) "Salvage vehicle" has the meaning set forth in [IC 9-13-2-160](#).

(8) "Scrap metal processor" has the meaning set forth in [IC 9-13-2-162](#).

(9) "Secretary" refers to the secretary of state holding office as set forth in [IC 4-5-1-1](#).

(10) "Source vehicle" means a specific vehicle from which a major component part is removed.

(11) "Stock number" means the number assigned by the automotive salvage recycler for the purpose of identifying a salvage vehicle or major component part at the respective business.

(12) "V.I.N." means the vehicle identification number as placed on the vehicle by the manufacturer or supplied by the bureau of motor vehicles.

(Secretary of State; [75 IAC 3-1-2.1](#))

SECTION 3. [75 IAC 3-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-3](#) Major component parts subject to record keeping

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-22](#); [IC 9-32](#)

Sec. 3. ~~MAJOR COMPONENT PARTS SUBJECT TO RECORDKEEPING.~~ Major component parts subject to record keeping requirements as authorized under [IC 9-22](#) are: [IC 9-22-3-19](#) include the following:

- (1) ~~Frame~~ **Axle assembly.**
- (2) ~~Engine~~ **Body (includes box or bed, as appropriate).**
- (3) ~~Transmission~~ **Cab.**
- (4) ~~Trans-axle~~ **Center section.**
- (5) ~~Transfer Case~~ **Deck lid.**
- (6) ~~Differential~~ **assembly.**
- (7) ~~Axle Assembly~~ **Doors (includes side and rear doors, hatches, and gates).**
- (8) ~~Cab~~ **Engine.**
- (9) ~~Hood~~ **Fenders.**
- (10) ~~Fenders~~ **Frame.**
- (11) ~~Deck-Lid~~ **Front end assembly.**
- (12) ~~Doors (includes side and rear doors, hatches and gates)~~ **Hood.**
- (13) ~~Body (includes box or bed, as appropriate)~~ **Rear section.**
- (14) ~~Front End Assembly (means the front body section consisting of hood, fenders, radiator support and bumper assembly, as a unit)~~ **Trans-axle.**
- (15) ~~Center (cowl) Section (means a body section or clip which includes the cowl)~~ **Transfer case.**
- (16) ~~Rear Section (means a body section or clip, without the cowl, consisting of quarter sections, deck lid, and bumper assembly, as a unit.)~~ **Transmission.**

Major component parts as they apply to a motorcycle shall include only the engine and frame.

(Secretary of State; [75 IAC 3-1-3](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 904; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-3](#)) to the Secretary of State ([75 IAC 3-1-3](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 4. [75 IAC 3-1-5](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-5](#) Sale of salvage vehicles or major component parts

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-22](#); [IC 9-32](#)

Sec. 5. ~~SALE OF SALVAGE MOTOR VEHICLES OR MAJOR COMPONENT PARTS.~~ All bills (a) **A bill** of sale, where present, and invoices **an invoice** for a salvage motor vehicles **vehicle** must contain the V.I.N. of the vehicle and all bills **the person is purchasing.**

(b) A purchaser may request that a bill of sale, where present, and invoices invoice for a major component parts part must contain the V.I.N. and assigned stock number of the major component part the person is purchasing.

(c) An automotive salvage recycler shall comply with a request made under subsection (b).

(Secretary of State; [75 IAC 3-1-5](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 904; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-5](#)) to the Secretary of State ([75 IAC 3-1-5](#)) by P.L. 106-2008, SECTION 54, effective July 1, 2008.

SECTION 5. [75 IAC 3-1-6](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-6](#) Record keeping requirements for salvaging businesses

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-22](#); [IC 9-32](#)

Sec. 6. **(a)** The commissioner ~~secretary~~ shall prescribe the format and the forms that must be used by each business-licensed **an automotive salvage recycler** to carry on the business activities as outlined in [IC 9-22-4](#). Each business [IC 9-22-3-19](#), [IC 9-22-3-20](#), [IC 9-22-5-18.2](#), and [IC 9-32-9](#). **As detailed in subsection (b), each automotive salvage recycler shall record the purchase and sale of salvage motor vehicles and the purchase and sale of major component parts purchased or sold in the normal course of business operations. Two (2) main registers that are in either their current model year or in the immediately preceding six (6) model years when purchased by an automotive salvage recycler.**

(b) In addition to the record keeping requirements in [IC 9-22](#), records must be maintained by the disposal facilities and automotive salvage rebuilders recycler as follows:

(1) A vehicle register shall be maintained and The following information shall be recorded on a form prescribed by the secretary for all salvage motor vehicles purchased and or sold:

- ~~(A) The date of purchase and sale of each salvage motor vehicle.~~
- ~~(B) The vehicle description and identification: model year, model type, make, and V.I.N.~~
- ~~(C) (A) The stock number and serial number.~~
- ~~(D) (B) The title number or other ownership document and the issuing authority.~~
- ~~(E) (C) The name and address of the business or person from whom the salvage motor vehicle was acquired, and the name and address of the person or business to whom the salvage motor vehicle was sold or otherwise disposed of.~~
- ~~(F) (D) The invoice number, if applicable, evidencing the purchase or acquisition of the salvage motor vehicle.~~
- ~~(G) (E) The invoice number, if applicable, evidencing the sale or disposed disposal of the salvage motor vehicle.~~
- ~~(H) (F) Such other information as the commissioner secretary may require.~~

(2) A major component parts register shall be maintained and The following information shall be recorded on a form prescribed by the secretary for all major component parts purchased and or sold:

- (A) The following for major component parts removed from acquired vehicles:**
 - (i) The vehicle description and identification, including the V.I.N., serial number, stock number, or other reference number, if that information was requested to be included on the bill of sale or invoice by the purchaser as provided in section 5(b) of this rule.**
 - (ii) The description and identification of the source vehicle of the major component part as contained in the vehicle register. records created pursuant to subdivision (1), if that information was requested to be included on the bill of sale or invoice by the purchaser as provided in section 5(b) of this rule.**
 - (iii) The name and address of the person or business to whom the major component part was sold.**
 - (iv) The date and invoice number, if applicable, evidencing the sale of the major component part.**
 - (v) Such other information as the commissioner secretary may require.**
- (B) For major component parts acquired from other than a salvage motor vehicle owned by the disposal facility or automotive salvage rebuilders the major component parts register shall contain, in addition to those listed above in clause (A), recycler, the following information must also be recorded and maintained:**
 - (i) The name and address of the person or business from whom the major component part was acquired.**

(ii) The date and invoice number, if applicable, evidencing the purchase or acquisition of the major component part.

(Secretary of State; [75 IAC 3-1-6](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Oct 17, 2001, 4:20 p.m.: 25 IR 911; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-6](#)) to the Secretary of State ([75 IAC 3-1-6](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 6. [75 IAC 3-1-7](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-7](#) Alternative to prescribed forms

Authority: [IC 9-22-1](#); [IC 9-32-3-1](#)

Affected: [IC 9-22](#)

Sec. 7. ~~ALTERNATIVE TO PRESCRIBED FORMS.~~ Any disposal facility or automotive salvage rebuilder which wishes to generate information to be contained in the vehicle register and the major component parts register by a data processing report or other comparable report **recycler subject to record keeping requirements prescribed by the secretary of state** may, submit such report format to the Commissioner for approval in lieu of utilizing the prescribed forms required by the Commissioner **secretary of state** for such record keeping purposes, **use alternative record keeping methods as approved by the secretary.**

(Secretary of State; [75 IAC 3-1-7](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-7](#)) to the Secretary of State ([75 IAC 3-1-7](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 7. [75 IAC 3-1-8](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-8](#) Model years for record keeping purposes

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-22](#)

Sec. 8. ~~MODEL YEARS FOR RECORDKEEPING PURPOSES.~~ All disposal facilities or automotive salvage rebuilders shall keep and maintain records on the current model year and immediate four **six (6)** preceding model years for all salvage motor vehicles as indicated in section 6 of this rule.

Example: During calendar year 1981, coverage shall apply to vehicles and major component parts designated as 1977 and newer model years, including 1982 models, when introduced. As of January 1, 1982, the 1977 model year is dropped, and 1978 becomes the oldest model year subject to coverage.

Any salvage motor vehicle or major component part which **that** is subject to record keeping procedures by law and per these rules and regulations which **that** has been acquired and entered into the vehicle register or major component parts register **automotive salvage recycler's records** shall be subject to record keeping for disposal purposes even though the sale of such vehicle or part is beyond the five-year **seven-year** provisions of these rules and regulations.

(Secretary of State; [75 IAC 3-1-8](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 905; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-8](#)) to the Secretary of State ([75 IAC 3-1-8](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 8. [75 IAC 3-1-9](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-9](#) Verification of seller's identity

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-22](#); [IC 9-32](#)

Sec. 9. ~~VERIFICATION OF IDENTIFICATION OF PERSON OR BUSINESS.~~ (a) All disposal facilities or

automotive salvage rebuilders **recyclers** must take reasonable steps to verify the ~~identify~~ **identity** of the person from whom a salvage motor vehicle or major component part is purchased.

(b) Reasonable steps include, but are not limited to, asking the individual selling the salvage vehicle or major component part to present at the time of sale a valid and unexpired government issued identification document bearing an image of the seller or seller's agent.

(Secretary of State; [75 IAC 3-1-9](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 906; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-9](#)) to the Secretary of State ([75 IAC 3-1-9](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 9. [75 IAC 3-1-10](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-10](#) Return of titles to bureau of motor vehicles

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-22](#); [IC 9-32](#)

Sec. 10. RETURN OF TITLES TO BUREAU OF MOTOR VEHICLES. In accordance with the provisions of [IC 9-22-3](#) all disposal facilities or ~~and [IC 9-22-5](#) an~~ automotive salvage rebuilders which shred, crush, bale **recycler that shreds, crushes, bales**, or otherwise alter the ~~alters a~~ **salvage** vehicle frame and body so that they cannot be used on or as a motor vehicle, shall be responsible for returning to the bureau of Motor Vehicles, on a monthly basis, the ~~certificates~~ **certificate** of title or **certificate of authority** for such vehicles. Disposal facilities and scrap metal processors which ~~the~~ **salvage vehicle, except as permitted by [IC 9-22-5-18.2](#). Automotive salvage recyclers that** acquire motor vehicles in a crushed, baled, or shredded condition are not required to obtain a certificate of title for such vehicles.

(Secretary of State; [75 IAC 3-1-10](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 906; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-10](#)) to the Secretary of State ([75 IAC 3-1-10](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 10. [75 IAC 3-1-10.1](#) IS ADDED TO READ AS FOLLOWS:

[75 IAC 3-1-10.1](#) Automotive salvage recycler initial license application

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-13-2](#); [IC 9-32](#)

Sec. 10.1. (a) In addition to the requirements in [IC 9-32](#), a person applying to be licensed as an automotive salvage recycler must submit with the application:

- (1) a copy of a valid photographic identification card issued by a government agency to each individual listed on the application as an owner, partner, or officer, including the person signing the application if different; and
- (2) photographs of the dealer's established place of business including, at a minimum, the dealer's office, the advertising sign required by this rule, and the interior and exterior of the dealer's established place of business.

Printed photographs must not be less than three (3) inches by five (5) inches in size. The photographs must be updated if the automotive salvage recycler moves locations or if its physical facilities are substantially altered or modified. Digital photographs must be unaltered and verifiable.

(b) The name of the business and the address of the automotive salvage recycler as stated on all documents submitted with the application must match the name and address of the automotive salvage recycler as stated on the application. An exemption for this requirement may be given at the secretary of state's discretion.

(Secretary of State; [75 IAC 3-1-10.1](#))

SECTION 11. [75 IAC 3-1-10.2](#) IS ADDED TO READ AS FOLLOWS:

[75 IAC 3-1-10.2](#) Established place of business

Authority: [IC 9-13-2-42](#); [IC 9-32-3-1](#)

Affected: [IC 9-13](#); [IC 9-32](#)

Sec. 10.2. (a) This section applies to all automotive salvage recyclers making initial application for a license on or after July 1, 2017.

(b) Beginning July 1, 2018, the secretary may not renew an automotive salvage recycler license if the automotive salvage recycler is not in compliance with this section.

(c) In addition to the requirements in [IC 9-32](#) and [IC 9-13](#), the established place of business at which an automotive salvage recycler is licensed or applying to be licensed must meet the following requirements:

- (1)** Is located in Indiana and has an Indiana address that is not:
 - (A)** an Indiana post office box address; or
 - (B)** a location that functions like a mailbox box facility.
- (2)** Has a conspicuous permanent sign identifying the automotive salvage recycler by the name in which the automotive salvage recycler is licensed or applying to be licensed.
- (3)** Has sufficient space to accommodate the storage of the kind and type of vehicles in which the automotive salvage recycler is licensed to deal.

(d) In addition to the requirements in subsection (c), [IC 9-32](#), and [IC 9-13](#), the established place of business at which an automotive salvage recycler is licensed or applying to be licensed must meet the following requirements if the automotive salvage recycler engages or intends to engage in retail sales of salvage or rebuilt vehicles or major component parts sourced from salvage vehicles to the general public:

- (1)** Has customer parking.
- (2)** Is accessible by the public.
- (3)** Has space to accommodate the display of the kind and type of vehicles in which the automotive salvage recycler is licensed to deal.
- (4)** Contains an office that meets the following requirements:
 - (A)** At least one hundred (100) square feet in size.
 - (B)** Equipped with office furniture such as a desk, chairs, and filing cabinets.
 - (C)** Served with utilities including:
 - (i)** electricity;
 - (ii)** lighting;
 - (iii)** heat;
 - (iv)** operational plumbing; and
 - (v)** a business telephone.
 - (D)** Reflective of functional use and operation of the license.

An exemption for the requirements in clauses (A) through (C) may be given at the secretary's discretion.

(5) The sign required by subsection (c)(2) also identifies the automotive salvage recycler's hours of operation.

(Secretary of State; [75 IAC 3-1-10.2](#))

SECTION 12. [75 IAC 3-1-10.3](#) IS ADDED TO READ AS FOLLOWS:

[75 IAC 3-1-10.3](#) Automotive salvage recycler license renewal

Authority: [IC 9-32-3-1](#); [IC 9-32-11-8](#)

Affected: [IC 9-32-9](#); [IC 9-32-11](#)

Sec. 10.3. (a) Application for renewal of an automotive salvage recycler license must be on a form prescribed by the secretary and be accompanied by the following:

- (1)** The applicable fee.

(2) Proof of current bond as required by [IC 9-32-11-2\(e\)](#).

(3) Proof of current liability insurance or current membership in a risk retention group as required by [IC 9-32-11-14](#).

(b) If requested by the secretary, application for renewal of an automotive salvage recycler license must include proof that the automotive salvage recycler is in good standing with the:

- (1) bureau of motor vehicles;
- (2) department of state revenue;
- (3) state police department; or
- (4) department of environmental management.

(Secretary of State; [75 IAC 3-1-10.3](#))

SECTION 13. [75 IAC 3-1-14](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-14](#) Cease and desist order

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-22](#); [IC 9-32](#)

Sec. 14. ~~ISSUANCE OF CEASE AND DESIST ORDER BY COMMISSIONER.~~ All businesses persons engaged in the business activities as identified in [IC 9-22-4](#) [IC 9-32-9-1](#) must be properly licensed to carry out such business activities and functions. Failure to obtain a license under [IC 9-32-9](#) or having engaging in activities that require a license while a license issued under [IC 9-32-9](#) is suspended or revoked by the Commissioner secretary shall be cause for an order to cease and desist all such business activities to be issued by the Commissioner secretary. The Commissioner secretary shall notify the superintendent of the Indiana state police of all such orders issued to cease and desist. business.

(Secretary of State; [75 IAC 3-1-14](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 907; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-14](#)) to the Secretary of State ([75 IAC 3-1-14](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 14. [75 IAC 3-1-16](#) IS AMENDED TO READ AS FOLLOWS:

[75 IAC 3-1-16](#) General applicability

Authority: [IC 9-32-3-1](#)

Affected: [IC 9-13-2](#); [IC 9-22](#); [IC 9-32](#)

Sec. 16. ~~GENERAL APPLICABILITY OF THESE RULES AND REGULATIONS.~~ Any person or business not normally carrying on the business functions of a disposal facility or automotive salvage rebuilder but who conducts business activities of a disposal facility or an automotive salvage rebuilder as defined in [IC 9-13-2-9](#); may, upon investigation by the Commissioner, be recycler is classified as a disposal facility or an automotive salvage rebuilder recycler and be is subject to the licensing provisions and record keeping requirements of [IC 9-22](#), [IC 9-32](#), and these rules and regulations.

(Secretary of State; [75 IAC 3-1-16](#); filed Apr 28, 1981, 9:35 a.m.: 4 IR 907; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2594; readopted filed Jul 30, 2001, 10:25 a.m.: 24 IR 4228; readopted filed Nov 14, 2007, 1:31 p.m.: [20071212-IR-140070562RFA](#); readopted filed Nov 13, 2013, 3:25 p.m.: [20131211-IR-075130451RFA](#)) NOTE: Transferred from the Bureau of Motor Vehicles ([140 IAC 3-3-16](#)) to the Secretary of State ([75 IAC 3-1-16](#)) by P.L.106-2008, SECTION 54, effective July 1, 2008.

SECTION 15. THE FOLLOWING ARE REPEALED: [75 IAC 3-1-2](#); [75 IAC 3-1-4](#); [75 IAC 3-1-11](#); [75 IAC 3-1-12](#); [75 IAC 3-1-13](#); [75 IAC 3-1-15](#).

[Notice of Public Hearing](#)

