

Notice of Public Comment Period for Rule Readoption

LSA Document #23-626

Readopts rules in anticipation of [IC 4-22-2.6](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the fifth year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

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

OVERVIEW

Rules to be readopted without changes are as follows:

[75 IAC 3](#) SALVAGE VEHICLE REGULATIONS

[75 IAC 5](#) WATERCRAFT

[75 IAC 6](#) AUTO DEALER SERVICES

Rules to be repealed without changes are as follows:

None

SUMMARY OF FINDINGS UNDER [IC 4-22-2.6-4](#)

These rules were adopted in 2017 as LSA Document #16-433, LSA Document #16-434, and LSA Document #16-435. As part of this readoption, the Secretary of State – Auto Dealer Services Division (division) reexamined the economic impact statement, fiscal analysis on state and local government, cost benefit analysis, and small business impact statement for each rule. The division has found that those fiscal analyses have borne out accurately. There was no fiscal impact on state or local government. The economic impact on small businesses incurred to come into compliance with the new regulations that have already been borne. These costs now represent only start-up costs for new entities. On balance, the division finds those costs to be more beneficial than the relatively low financial cost to the business. Importantly, the rule maintains its discretion to grant exceptions for aspects of its requirements in order to work with individual applicants if their proposed business does not fit into the traditional scheme of an automotive salvage recycler. The division has received no significant complaints related to the rule since it was imposed and has not encountered any significant difficulties in managing its application.

With regard to automotive salvage recyclers, the rule has largely achieved its aims of encouraging a uniform level of professionalism within the salvage recycling industry and has received positive feedback from stakeholders in its regulation of that industry. At the time LSA Document #16-433 was proposed, there were approximately 400 licensed automotive salvage recyclers. That number remains the same today, indicating that the rule has not had a negative impact on the industry.

As proposed, the rule regarding watercraft dealers largely reflected policy that was already in place, and as such, nearly all watercraft dealers were already in compliance. This continues to be the case. At the time LSA Document #16-434 was proposed, there were approximately 180 licensed watercraft dealers. That number remains the same today, indicating that the rule has not had a negative impact on the industry. The automobile sales market continues to boom. At the time LSA Document #16-435 was proposed, there were 3,756 licensed dealers. In 2023, that number has grown to 4,207. There are also more licensed manufacturers, distributors, and auctions. All of this indicates that the rule has not had any negative impact on the industry. In fact, the division has received continued support and praise from its stakeholders in its regulation of the industry.

Each of these rules continues to be needed to maintain this positive momentum.

REQUEST FOR PUBLIC COMMENTS

At this time, the Secretary of State – Auto Dealer Services Division solicits the following:

- (1) The submission of alternative ways to achieve the purpose of the rule.
- (2) The submission of suggestions for the development of draft rule language.

Comments may be submitted in one of the following ways:

- (1) By mail or common carrier to the following address:

LSA Document #23-626

Kyle Bonick, Co-Director

302 West Washington Street, Room E111

Indianapolis, IN 46204

(2) By electronic mail to legal@sos.in.gov. To confirm timely delivery of submitted comments, please request a document receipt when sending the electronic mail. **PLEASE NOTE: Electronic mail comments will NOT be considered part of the official written comment period unless they are sent to the address indicated in this notice.**

COMMENT PERIOD DEADLINE

All comments must be postmarked or time stamped not later than September 29, 2023.

Posted: 08/30/2023 by Legislative Services Agency

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